

4754. Misbranding of "Dr. Swan's Liver & Kidney Remedy." U. S. v. National Remedy Co., a corporation. Plea of guilty. Fine, \$25. (F. & D. No. 7259. I. S. No. 1768-k.)

On May 8, 1916, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the National Remedy Co., a corporation, New York, N. Y., alleging the sale by said company, in violation of the Food and Drugs Act, on February 6, 1915, under a guaranty that the article was not adulterated or misbranded within the meaning of said act, of a quantity of "Dr. Swan's Liver & Kidney Remedy," which was a misbranded article within the meaning of said act, as amended, and which said article, on or about March 15, 1915, was shipped by the purchaser thereof, in the identical condition in which the same had been received, and transported from the State of New York into the State of New Jersey in further violation of said act. The article was labeled: (On bottle) "Dr. Swan's Liver & Kidney Remedy. Commune bonum quod petis hic est Trade Mark Contains Alcohol 5 Per Cent. An Excellent Household Remedy For diseases arising from a disordered condition of the Liver, Stomach and Bowels, Kidney Difficulties and Blood Derangements. Relieves Constipation with no reactionary effects. A Valuable Medicine for Bilioussness, Dyspepsia, Rheumatism, Female Diseases, Nervousness and Malaria. Put up in Concentrated Form. Agreeable to Take. Full Directions on Back of Case. Price 50 cents per Bottle. 3 $\frac{3}{4}$  Ounces. Manufactured by and None Genuine without signatüre of Nat'l Remedy Co., New York. Changes Have Been Made In Our Labels To Meet Requirements of Food and Drugs Act. General Directions One teaspoonful after each meal and at bedtime The Size of the dose to be increased or lessened, as may be necessary. Frequently a half-teaspoonful, for a dose, is sufficient." (On carton) "Dr. Swan's Liver & Kidney Remedy. Commune bonum quod petis hic est Trade Mark. 3 $\frac{3}{4}$  ounces. Trade Mark. Reg. U. S. Pat. Of. Contains Alcohol 5 per cent. Guaranteed by Nat'l Remedy Co. under Food and Drugs Act, June 30, 1906. No. 458. An Excellent Household Remedy, For Diseases arising from a disordered condition of the Liver, Stomach and Bowels, Kidney Difficulties and Blood Derangements. Relieves Constipation, with no reactionary effects. A Valuable Medicine for Bilioussness, Dyspepsia, Rheumatism, Female diseases, Nervousness and Malaria. Put up in Concentrated Form. Agreeable to Take. See Directions on Back. Price 50c. Per Bottle. Manufactured by and None Genuine without signature of Nat'l Remedy Co. New York. Composed of Cascara Sagrada (Bark of the Sacred Tree), Berberis Aquifolium (Root of the Holy-leaved Barberry), and other excellent curatives adapted for the relief and cure of diseases of the Liver, Kidneys, Stomach, Bowels, Skin and Blood. Change in label adopted to meet the requirements of Food and Drugs Act. National Remedy Co., Manufacturers, New York. Directions, Diet, Etc. Some subjects are more susceptible to the action of medicine than others, and the proper dose can only be decided on by trial. One teaspoonful of this remedy is a fair average dose, to be taken 3 to 4 times daily, just after eating and at bedtime. If this is found too active, reduce to half-teaspoonful doses, which frequently are sufficient, or take less frequent doses. Enough should be taken to produce one or two evacuations of the bowels daily. The size of dose should be increased or decreased accordingly—dose for children should be smaller according to age. A diet of plain, wholesome food should be observed, same to be eaten with regularity, and thoroughly masticated. Cultiyate a regular habit of going to stool at stated hours each day, whether any desire or not. No uneasiness need be occasioned if first few doses fail to act on the bowels as this is not necessary in order to get a curative effect from the medicine. When used as a cathartic medicine for some temporary stoppage of the bowels, somewhat larger doses may be taken at night, on retiring. It will be found a pleasant medicine to take, and exceptionally effective. It produces no griping or purging and has no bad after effect, leaving the bowels in a healthy and natural condition. National

Remedy Company, Sole Proprietors, New York City, N. Y. Dr. Swan's Liver and Kidney Remedy, Original Cascara Preparation." The booklet accompanying the article contained, among other things, the following: "Hanceville, Ala. Dear Sirs: For many years I had been afflicted with kidney disease, and three years ago, while engaged in a series of meetings at one of my churches, I was taken suddenly ill with kidney colic. The attack lasted several days, and for hours at a time it seemed as though I were dying. At last, by close medical attention, I recovered sufficiently to be carried home, a distance of about ten miles, but in a few days I was as bad as ever and my physician told me that I had stone in the bladder and nothing but a surgical operation would reach my case. Having heard your Liver and Kidney Remedy recommended very highly, I began using it, and before I had taken one bottle, I was up and able to fill my appointments with my churches. I used two bottles of the remedy and have had no return of the trouble since. Fraternally, Rev. J. E. Creel."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Alcohol (per cent by volume).....	5.60
Sugars (per cent).....	32.10
Glycerin (per cent).....	8.70
Sodium salicylate (per cent).....	0.22
Ash (mineral matter) (per cent).....	0.27
Strychnine: Present.	
Laxative emodin-bearing plant drug: Present.	
Juniper: Indicated.	

Misbranding of the article was alleged in the information for the reason that the following statements regarding the therapeutic or curative effects thereof, appearing on the labels aforesaid, to wit, (On bottle) "Dr. Swan's Liver & Kidney Remedy \* \* \* An Excellent Household Remedy For diseases arising from a disordered condition of the Liver, Stomach and Bowels, Kidney Difficulties and Blood Derangements. \* \* \* A Valuable Medicine for \* \* \* Dyspepsia, \* \* \* Female Diseases, \* \* \* and Malaria." (On carton) "Dr. Swan's Liver & Kidney Remedy. \* \* \* An Excellent Household Remedy, For diseases arising from a disordered condition of the Liver, Stomach and Bowels, Kidney Difficulties and Blood Derangements. \* \* \* A Valuable Medicine for \* \* \* Dyspepsia, \* \* \* Female diseases, \* \* \* and Malaria. \* \* \* Composed of Cascara Sagrada (Bark of the Sacred Tree), Berberis Aquifolium (Root of the Holy-leaved Barberry), and other excellent curatives adapted for the relief and cure of diseases of the Liver, Kidneys, Stomach, Bowels, Skin and Blood," and included in the booklet aforesaid, to wit, "Hanceville, Ala. Dear Sirs: For many years I had been afflicted with kidney disease, and three years ago, while engaged in a series of meetings at one of my churches, I was taken suddenly ill with kidney colic. The attack lasted several days, and for hours at a time it seemed as though I were dying. At last, by close medical attention, I recovered sufficiently to be carried home, a distance of about ten miles, but in a few days I was as bad as ever and my physician told me that I had stone in the bladder and nothing but a surgical operation would reach my case. Having heard your Liver and Kidney Remedy recommended very highly, I began using it, and before I had taken one bottle, I was up and able to fill my appointments with my churches. I used two bottles of the remedy and have had no return of the trouble since. Fraternally, Rev. J. E. Creel," were false and fraudulent in that the same were applied to the article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of purchasers thereof the impression and belief, that it was, in whole or in part, composed of, or contained, ingredients or medicinal agents effective, among

other things, as a liver and kidney remedy, as a remedy for diseases arising from a disordered condition of the liver, stomach, and bowels, kidney difficulties, blood derangements, dyspepsia, female diseases, and malaria; for the relief and cure of diseases of the liver, kidneys, stomach, bowels, skin, and blood; and as a cure for stone in the bladder, when, in truth and in fact, it was not, in whole or in part, composed of, and did not contain, such ingredients or medicinal agents.

On May 18, 1916, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$25.

CARL VROOMAN, *Acting Secretary of Agriculture.*