

4838. Misbranding of Dr. Thacher's Cholera Mixture and Dr. Thacher's Amber Injection. U. S. v. Thacher Medicine Co., a corporation. Submission to information entered. Fine, \$75 and costs. (F. & D. No. 6129. I. S. Nos. 9403-e, 8229-e, 9457-e.)

On October 18, 1915, the United States attorney for the Eastern District of Tennessee, 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 Thacher Medicine Co., a corporation, Chattanooga, Tenn., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about November 5, 1912, from the State of Tennessee into the State of Georgia, of quantities of Dr. Thacher's Cholera Mixture and Dr. Thacher's Amber Injection which were misbranded, and the sale by said company, on or about February 13, 1913, under a written guaranty that the article was not a misbranded article within the meaning of the Food and Drugs Act, of a quantity of Dr. Thacher's Amber Injection, which was a misbranded article within the meaning of said act as amended, and which said article, in the identical condition in which it was sold, was shipped by the purchaser thereof, on or about April 10, 1913, from the State of Tennessee into the State of Arkansas, in further violation of said act.

The cholera mixture was labeled: (On carton) "Dr. Thacher's Cholera Mixture 12½% Alcohol. 14/25 Grs. Sulphate of Morphine to Fluid Ounce. Price 25c. Prepared for Thacher Medicine Co. Chattanooga, Tenn. For all cases of Cholera, Cholera Morbus, Diarrhœa, Dysentery, Cramps, Winter Diarrhœa, Flux, etc. For Children Teething Dr. Thacher's Cholera Mixture 905. Guaranteed by Thacher Medicine Co. under the Food and Drugs Act, June 30, 1906. Price 25 cents. This preparation, different from anything offered before; does not bind the bowels, but brings them back to their normal condition and relieves all trouble." (On bottle) "Dr. Thacher's Cholera Mixture 12½% Alcohol, 14/25 Gr. Morphine to Fluid Ounce. A Teaspoonful Contains 7½ Drops Alcohol and 1/14 gr. Morphine. Prepared for Thacher Medicine Co. Chattanooga, Tenn. For Cholera Morbus, Diarrhœa, Dysentery, Children Teething and all sudden attacks of Cramps and Pains in the Bowels. Does not bind the bowels, but brings them back to their natural action. Eat no solid food while taking. Guaranteed by Thacher Med. Co. under Food & Drugs Act, June 30, '06. No. 905. Directions. For a Child 1 year old, 10 drops; 2 years 15 to 20 drops; 4 to 8 years, 20 to 25 drops; 10 to 15 years, 30 drops, or ½ teaspoonful; 18 years and grown persons, 1 teaspoonful. Take in a spoonful of water after each action of the Bowels. Shake the bottle well."

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

Alcohol (per cent by volume)-----	7.7
Morphine sulphate (grains per fluid ounce)-----	0.449
Solids (grams per 100 cc)-----	34.8
Also an emodin-bearing drug, ammonium salt, carbonate, sugar, and aromatics.	

Misbranding of the article was alleged in the information for the reason that the following statement, appearing on the label aforesaid, to wit: "12½% Alcohol," was false and misleading, in that it indicated to the purchasers thereof that the article of drugs contained 12½ per cent of alcohol, when, in truth and in fact, it did not, but did contain a less amount thereof, to wit, 7.7 per cent.

Misbranding was alleged for the further reason that the following statements regarding the therapeutic or curative effects of the article, appearing

on the label aforesaid, to wit: (On carton) "Dr. Thacher's Cholera Mixture * * * for all cases of Cholera * * * Diarrhoea, Dysentery * * * Flux * * * This preparation * * * does not bind the bowels, but brings them back to their normal condition * * *." (On bottle.) "Dr. Thacher's Cholera Mixture. * * * For * * * Diarrhoea, Dysentery, Children Teething," 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 remedy for all cases of cholera, diarrhea, dysentery, and flux, for restoring the bowels to their normal condition, and as a remedy for ailments of teething children, 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. The amber injection was labeled: (On bottle) "Dr. Thacher's Amber Injection Cures Gonorrhœa in 3 days. Syringe with bottle ready to use. Price 50 cents. Thacher Medicine Co., Chattanooga, Tenn." (Blown in bottle) "Thacher Medicine Co., Chattanooga, Tenn." (On carton) "Dr. Thacher's Amber Injection 3% Alcohol, 1½ Grs. Opium to one fluid ounce. 905. Guaranteed by Thacher Medicine Co. under the Food and Drugs Act, June 30, 1906. For Gonorrhœa, Gleet, Spermatorrhœa & Whites No Danger of Stricture. Effective in Ordinary Cases in Three Days. A syringe with every bottle. Full directions inside Price 50 cents Prepared by Thacher Medicine Co., Chattanooga, Tenn. For Unfortunate Young Men This Injection is a Safe and Sure Remedy for these troublesome diseases. The time generally taken for a cure is from two to three days, although in severe cases it may be longer. There is no need of using the Injection after the discharge has stopped. Avoid the 'After Effects' The 'After Effects' of Gonorrhœa are almost if not quite as bad as the disease itself. General Debility follows almost every case, and Rheumatism is the result in a vast number. It Drains the System, Impoverishes the Blood, Deranges the Kidneys, and Impairs the Digestion. After the Gonorrhœa is cured you should immediately begin treatment of a Tonic, Alterative and Blood Purifying character, and to restore the derangement of the digestive functions. Dr. Thacher's Liver and Blood Syrup Will be found an acceptable and effective remedy. It is Tonic and Alterative and has Great Merit in the Treatment of Indigestion, Kidney and Liver Diseases and Purifying the Blood, complications that almost Always follow Gonorrhœa. Six bottles of Dr. Thacher's Liver and Blood Syrup should be taken to be Sure that the Gonorrhœal Poison is driven out of the System. Dr. Thacher's Liver and Blood Syrup was originated by Dr. H. S. Thacher, who discovered and perfected Dr. Thacher's Amber Injection. It is put up in Orange Cartons. Accept no substitutes for either preparation. No Danger of Stricture In using this Injection there is no danger from Stricture, that terrible affliction that comes upon many who use the common injections that are made up or given to you on paper by friends who say they have been cured by their use. None genuine without the signature of H. S. Thacher."

Analyses of samples of this article from both shipments by said Bureau of Chemistry showed the following results, respectively:

Sample 1.

Alcohol (per cent by volume)-----	2.1
Opium (grain per fluid ounce)-----	1.38
Solids (grams per 100 cc)-----	0.93
Ash (grams per 100 cc)-----	0.31
Zinc sulphate -----	Present.

Sample 2.

Solids (grams per 100 cc)-----	0.96
Alcohol (per cent by volume)-----	0.94
Opium (grains per fluid ounce)-----	2.08
Zinc sulphate (grams per 100 cc)-----	0.63
Volatile acid as acetic:	
First bottle (grams per 100 cc.)-----	0.42
Second bottle (grams per 100 cc.)-----	0.12
Test for zinc and acetates-----	Positive.

Product is a hydroalcoholic solution of opium and zinc sulphate to which acetic acid has been added.

Misbranding of this article was alleged in the information for the reason that in one of the shipments it contained, to wit, 2.08 grains of opium per fluid ounce and 0.94 per cent of alcohol by volume, and in the other consignment 1.38 grains of opium per fluid ounce and 2.1 per cent of alcohol, and the package containing the same failed to bear a statement on the label in either case of the quantity or proportion of opium and alcohol contained therein. Misbranding was alleged for the further reason that the following statements regarding the therapeutic or curative effects of the article appearing on the label aforesaid, to wit, (On bottle) "Dr. Thacher's Amber Injection Cures Gonorrhœa in three days," (on carton) "Dr. Thacher's Amber Injection * * * for Gonorrhœa, Gleet, Spermatorrhœa & Whites. No danger of Stricture * * * This injection is a Safe and Sure Remedy for these troublesome diseases. The time generally taken for a cure is from two to three days, although in severe cases it may be longer," 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 cure for gonorrhœa, gleet, spermatorrhœa, and whites, and for preventing stricture in gonorrhœa and gleet, 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 25, 1916, the defendant company entered its submission to the information, and the court imposed a fine of \$75 and costs.

CARL VROOMAN,
Acting Secretary of Agriculture.