

4845. Misbranding of Wingold Brand Stomach Bitters. U. S. v. Arrow Distilleries Co., a corporation. Plea of guilty. Fine, \$100 and costs. (F. & D. No. 6221. I. S. No. 4214-h.)

On July 19, 1915, the United States attorney for the Southern District of Illinois, 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 Arrow Distilleries Co., a corporation, Peoria, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about April 1, 1913, from the State of Illinois into the State of Michigan, of a quantity of Wingold Brand Stomach Bitters, which was misbranded. The article was labeled: (On bottle—front) "Wingold Brand Stomach Bitters At Last The Best. Prepared from Roots and Herbs by The Arrow Distilleries Co. Peoria, Illinois. Alcohol 20% or 40 Proof For Lowenstein Co., Menominee, Mich." (Back) "Important Information Science has established the fact that the Ingredients of which this tonic is compounded have been used as household remedies by most nations of the world from time immemorial. They are quoted in Materia Medica, as a relief for Biliousness, Malaria, Fever and Ague, Liver and Kidney Troubles, Dyspepsia, Constipation, Nervousness, General Debility and all stomach and Urinary Disorders, consequently a great Blood Purifier. It will assist Nature and relieve all ailments human flesh is heir to." (Blown in bottle) "A B Co." (On wooden shipping case) "Wingold Brand Stomach Bitters At Last The Best."

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

Alcohol (per cent by volume)-----	27.1
Nonvolatile material (grams per 100 cc)-----	9.5
Ash (grams per 100 cc)-----	0.21
Sugar, as invert (grams per 100 cc)-----	5.86
Emodin bearing drug: Present.	

Slightly acid liquid of pleasant ethereal odor, and bitter taste.

Misbranding of the article was alleged in the information for the reason that the following statement, appearing on the label thereof, to wit, "Alcohol 20%," was false and misleading, in that it indicated to the purchasers thereof that the article contained 20 per cent of alcohol, when, in truth and in fact, it contained a greater amount of alcohol, to wit, 27.1 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, "Wingold Brand Stomach Bitters * * * Science has established the fact that the ingredients of which this tonic is compounded have been used as household remedies by most nations of the world from time immemorial." "They are quoted in Materia Medica as a relief for * * * Malaria * * * and all Stomach and Urinary Disorders * * *" "It will * * * relieve all ailments human flesh is heir to," 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, for the relief of malaria and all stomach and urinary disorders, and all ailments human flesh is heir to, 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 April 18, 1916, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$100 and costs.

CARL VROOMAN,
Acting Secretary of Agriculture.