

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 708, FOOD AND DRUGS ACT.

MISBRANDING OF A DRUG PRODUCT.

(STANLEY'S INSTANT HEADACHE CURE.)

On or about February 3, 1909, Stanley K. Pierson, Le Roy, N. Y., shipped from the State of New York to the State of Michigan a quantity of a drug product labeled "Stanley's Instant Headache cure for Headache in all its forms, neuralgic, rheumatic, grippe, muscular pains of malaria and disordered stomach and in all cases where speedy and pleasant relief from pain is desired. Price 10 cents. Prepared by Stanley K. Pierson, Le Roy, N. Y. Each tablet contains $2 \frac{2}{3}$ grs. acetanoid. Cures where other remedies fail; contains no injurious drug, and is perfectly harmless; the effect is speedy and sure. Guaranteed under the Pure Food and Drugs Act June 30, 1906, Serial No. 1929", and packed with the product there was a printed circular of directions relating and referring to said product, which said circular bore, among other statements, the following, to wit: "Stanley's Instant Headache Cure, for all kinds of headache, neuralgia, rheumatism, la grippe, malaria, disordered stomach, nervousness, etc., and in all cases where speedy relief from pain and fever is desired. Also unexcelled in pneumonia."

Samples of this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report made thereon indicated that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the said Stanley K. Pierson and the party from whom the samples were procured were afforded opportunities for hearings. As it appeared after hearings held that said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Western District of New York against the said Stanley K. Pierson, charging the above shipment, and alleging that the product so shipped was misbranded in that the statement upon the label above referred to, "Stanley's Instant Headache Cure, for headache in all its forms, neuralgia, rheumatism, la grippe, muscular pains of malaria and disordered stomach", was false, in that said product could not remove the causes of the said indispositions, and could not cure any form of headache instantly, or in any period of time, and could not even relieve headaches due to certain causes, such as brain tumors, uraemia or meningitis, and could not cure la grippe or the muscular pains of malaria, said statement conveying a false impression to the public; in that the statement upon the label aforesaid that "each tablet contains 2 2/3 grs. ascetenloid", was false and misleading, because said tablets constituting the product in question contained acetanilid and not ascetenloid; in that the statement upon the label aforesaid that the product "contains no injurious drugs and is perfectly harmless" was false and misleading because said tablets contained acetanilid and caffenin, which are injurious to the human system, and in that the statement upon the printed circular above referred to that said tablets are "unexcelled in pneumonia" was false and misleading because said tablets are excelled by other remedies in the treatment of pneumonia and because in the treatment of pneumonia where there is systematic depression the use of said product would be dangerous to life itself.

On October 11, 1910, defendant entered a plea of guilty to the above information and the court imposed a fine of \$25.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *November 15, 1910.*