

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 709, FOOD AND DRUGS ACT.

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### MISBRANDING OF A DRUG PRODUCT.

(SHERMAN'S HEADACHE CURE.)

On or about February 1, 1909, Orator F. Woodward, Le Roy, N. Y., shipped from the State of New York to the State of Michigan a quantity of a drug product contained in cartons labeled "Sherman's Headache Cure, Trade Mark Registered in U. S. Patent Office; with other valuable ingredients, each capsule contains 2 grs. of acetanilid, prepared for Orator F. Woodward, Le Roy, N. Y. See directions on bottle inside. Sherman's Headache Cure, Guaranteed under the Food and Drugs Act, June 30, 1906, No. 95. Sherman's Headache Cure is for sick or nervous headache, neuralgia, and sleeplessness."

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 showed that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, said Orator F. Woodward 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 Orator F. Woodward, charging the above shipment and alleging that the product so shipped was misbranded in that the name appearing in the label upon the cartons above referred to, to wit, "Sherman's Headache Cure", was misleading because said preparation was not a cure for headache and because said preparation could not cure headache or neuralgia or sleeplessness, for the reason that it could not remove the cause of such indispositions.

On October 11, 1910, the 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.*

