

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 727, FOOD AND DRUGS ACT.

MISBRANDING OF A DRUG PRODUCT—"AZ-MA-SYDE."

On or about November 26, 1909, Arthur H. Doble, doing business under the name of The Asthma Remedy and Manufacturing Company, Cornelia, Ga., shipped from the State of Georgia into the State of Utah a drug product labeled "Az-Ma-Syde (copyrighted). To cure asthma use only in Az-Ma-Syde atomizer, three times a day and during each attack. Follow directions in Az-Ma-Syde booklet carefully. Asthma Remedy & Mfg Co. Cornelia, Ga." Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and the product was found to be a dark brown liquid slightly alkaline in reaction with the odor of thymol, wintergreen, and phenol, and containing $4\frac{1}{2}$ grains cocaine hydrochloride to the ounce and about 2 per cent of alcohol. As the findings of the analyst and report made showed that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said Arthur H. Doble and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the 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 Northern District of Georgia against the said Arthur H. Doble, doing business as the Asthma Remedy and Manufacturing Company, charging the above shipment and alleging that the product so shipped was misbranded in that the said drug contained a derivative of cocaine, to wit, cocaine hydrochloride and cocaine was present in said drug and the package containing said drug did then and there fail to bear a statement on the label thereof of the quantity of said derivative of cocaine contained therein and failed to bear a statement of the proportion of said cocaine hydrochloride contained therein and failed to bear a statement of the proportion of said derivative of cocaine therein and failed to bear any statement on the label thereof of any derivative of cocaine as being contained therein; and in that said product bears a statement, which

said statement is false, misleading, and deceptive, in that it tends to cause a purchaser to believe that said drug was a cure for asthma whereas in truth and in fact it was not and is not a cure for asthma.

On November 9, 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., *December 30, 1910.*