

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 933, FOOD AND DRUGS ACT.

MISBRANDING OF A DRUG PRODUCT—"SABINES BLACKBERRY SOOTHING DROPS."

On or about July 20, 1910, A. J. Lemke Medicine Company, a corporation, Milwaukee, Wis., shipped from the State of Wisconsin into the State of Pennsylvania a quantity of a drug product labeled: (On carton and bottle) "Sabine's Blackberry Soothing Drops. * * * A. J. Lemke Medicine Co., Milwaukee, Wis." (On circular) "For summer complaint and children teething it is invaluable, as it will enable them to pass through what is probably the most trying period of their existence with comparative safety. Will cure and prevent diarrhoea, dysentery, colic and cramps, pain in the stomach." Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and the product was found to contain alcohol 9.7 per cent, glycerine, sugar, oil of cassia, and unidentified drug. As the analysis and report thereon 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 A. J. Lemke Medicine Company, Incorporated, 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 Eastern District of Wisconsin against the said A. J. Lemke Medicine Company, Incorporated, charging the above shipment and alleging that the product so shipped was misbranded in that the package containing said product failed to bear a statement on the label of the quantity or proportion of alcohol therein contained; and in that the label of the product was false and misleading because it deceived the purchaser into the belief that the product possessed therapeutic properties capable of curing

the disorders enumerated; whereas, in truth and in fact, the therapeutic properties of said preparation were not such as to effect a cure in all cases of colic, pain in the stomach, diarrhoea, dysentery, and summer complaint and the disorders incident to teething children; and did not possess the therapeutic value capable of affording relief in the disorders enumerated.

On April 8, 1911, the defendant entered a plea of guilty to the above information, and the court imposed a fine of \$10.

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., *June 6, 1911.*

