

3704. Misbranding of "Radway's Ready Relief." U. S. v. Radway & Co. Plea of guilty. Fine, \$50. (F. & D. No. 5881. I. S. No. 7951-e.)

On December 9, 1914, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Radway & Co., a corporation, New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on December 20, 1912, from the State of New York into the State of Ohio, of a quantity of "Radway's Ready Relief," so called, which was misbranded. The product was labeled: (On wrapper) "Guaranteed by Radway & Co. N. Y. under the Food and Drugs Act, June 30, 1906. No. 537. R. R. R. Radway's Ready Relief. Price 50 cents. Internal External. Will instantly Stop Pain and is a cure for Rheumatic, Neuralgic, Nervous and Malarious Complaints. Radway & Co. Alcohol. 27 Per Cent. Radway & Co. New York sole proprietors of the R. R. R. Relief. Radway's Renovating Resolvent and Radway's Regulators, the use of which will stop pain, prevent sickness and cure disease." (On bottle) "Directions. For External Use: Apply by the hand rubbing it on well, or saturate a piece of flannel with it and place over the affected part. R. R. R. For Internal Use: Twenty drops to a teaspoonful in half a tumbler of water. Guaranteed under the Food and Drugs Act, June 30, 1906. No. 537. by Radway & Co., New York. Entd. Acord. To Act of Congress."

(On printed circular, in part): "This remedy will relieve rheumatism, sore throat, pleurisy, pneumonia * * * headache * * * burns and scalds, spinal affections * * * fevers * * * dysentery * * * cholera * * * paralysis.

"Rheumatism. * * * the Relief is more particularly recommended for the Chronic form, though in all cases of Inflammatory Rheumatism, its use is invaluable in every case subduing the pain. In Chronic Rheumatism, it not only gives immediate relief to the pain, but perseverance in its use insures a permanent cure.

"The above expression, taking cold, comprehends all such cases as lumbago, or pain in the loins, pleurisy, or acute pain about the chest, sore throat, etc. In each and all of these cases, the Ready Relief should be applied freely and well rubbed in, around the affected parts, until a burning sensation is felt, and it will be found that Radway's Relief supplies at once everything that could be desired as a quick, powerful, convenient, safe, and reliable remedy.

"Cholera. The Relief is almost a specific in this terrible epidemic; if used in time, will save nearly every case.

"Chills and fever. * * * The Relief should be taken internally, in teaspoonful doses during the intermission, and swallow four or five Regulating Pills on retiring to bed. Persons living in an agueish district should never be without it, as a dose of it taken when an attack is expected, will frequently prevent it. As a preventive it will be found of the greatest possible value, and a dose should be taken by all persons before they venture out in malarious districts before breakfast in the morning or after sunset. We believe it to be a perfect protection against the poison of chills and fever, and the congestive fevers of the western country.

"Kidney diseases. * * * in limestone districts, persons affected with bladder or kidney troubles should add a few drops of the Relief in the water before drinking. It acts as a preventive against the formation of concretions, gravel, or calculi, by its chemical action in the lime contained in these deposits."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed that it was essentially a hydroalcoholic solution of oleoresin of capsicum, camphor, and ammonia, containing 27.7 per cent alcohol and 1.3 per cent ammonia.

Misbranding of the product was alleged in the information for the reason that the statements appearing on the label, "Radway's Ready Relief * * * is a cure for Rheumatic * * * and Malarious Complaints," regarding the article and the in-

redients and substances contained therein, were false and misleading in that they indicated that said article was, in whole or in part, composed of, or contained, ingredients or medicinal agents effective as a cure for rheumatic and malarious complaints, whereas, in truth and in fact, the said article was not, in whole or in part, composed of, and did not contain, ingredients or medicinal effects [agents] effective as a cure for rheumatic and malarious complaints.

Misbranding was alleged for the further reason that the statements appearing on the printed pamphlet or circular, in part set forth above, regarding the article and the ingredients and substances therein contained, were false and misleading in that they indicated that the article was, in whole or in part, composed of, or contained, ingredients or medicinal agents effective for the relief, cure, and prevention of the following diseases, among others, to wit, "rheumatism, pleurisy, pneumonia, dysentery, cholera, chills and fever, and kidney diseases"; whereas, in truth and in fact, said article was not, in whole or in part, composed of, and did not contain, any ingredients or medicinal agents effective for the relief, cure, or prevention of rheumatism, pleurisy, pneumonia, dysentery, cholera, chills and fever, and kidney diseases.

Misbranding was alleged for the further reason that the label bore certain statements regarding the curative and therapeutic effects of the said article and of the ingredients and substances therein contained, to wit, "Radway's Ready Relief * * * is a cure for Rheumatic * * * and Malarious Complaints," which were false and fraudulent in that said statements were applied to said article in disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchasers and to create in the minds of purchasers the impression and belief that said article was, in whole or in part, composed of, or contained, ingredients or medicinal agents effective as a cure for rheumatic and malarious complaints, whereas, in truth and in fact, said article was not, in whole or in part, composed of, and did not contain, ingredients or medicinal agents effective as a cure for rheumatic or malarious complaints.

Misbranding was alleged for the further reason that the package contained a printed pamphlet or circular, which bore statements regarding the curative and therapeutic effects of said article and of the ingredients and substances therein contained, to wit, as set forth in part above, which statements were false and fraudulent in that said statements were applied to said article in disregard of their truth or falsity, so as to represent falsely and fraudulently to purchasers and create in the minds of purchasers the impression and belief that said article was, in whole or in part, composed of, or contained, ingredients or medicinal agents effective for the relief, cure, and prevention of rheumatism, pleurisy, pneumonia, dysentery, cholera, chills and fever, paralysis, and kidney diseases, whereas, in truth and in fact, the said article was not, in whole or in part, composed of, and did not contain, any ingredients or medicinal agents effective for the relief, cure, or prevention of rheumatism, pleurisy, pneumonia, dysentery, cholera, chills and fever, paralysis, and kidney diseases.

On December 14, 1914, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$50.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 26, 1915.*