

**20162. Misbranding of Dr. Williams' No. 101 Tonic. U.S. v. Interstate Drug Co. Plea of guilty. Fine, \$25. (F. & D. No. 26560. I.S. Nos. 02389, 030378, 030461, 14469.)**

The drug product Dr. Williams' No. 101 tonic was recommended as a treatment and cure for certain ailments for which quinine sulphate and other cinchona derivatives are customarily prescribed. Examination showed that the article did not contain quinine sulphate or other cinchona derivatives in sufficient amount to cure such ailments, when administered according to directions. The labeling of the article bore further unwarranted curative and therapeutic claims. It was also claimed for the article that it contained no injurious drugs and could be given to children with perfect safety, whereas it contained quinine or other cinchona derivatives which might be harmful.

On September 24, 1931, the United States attorney for the Middle District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Interstate Drug Co., a corporation, Quitman, Ga., alleging shipment by said company in violation of the Food and Drugs Act in various consignments, on or about January 24, November 9, November 15, and December 6, 1929, and October 16, 1930, from the State of Georgia into the State of Florida, of quantities of Dr. Williams' No. 101 tonic which was misbranded. The article was labeled in part: (Bottle) "Dr. Williams' No. 101 Tonic A Ready Prepared Prescription for Malaria, Chills, Chills and Fever"; (circular) "No. 101 contains no alcohol, arsenic or other injurious Drugs. You give it to your children with perfect safety."

Analyses of samples of the article by this Department showed that it consisted essentially of cinchona alkaloid sulphates not more than 6 grains per fluid ounce, ferric chloride, magnesium sulphate, glycerin, and water.

It was alleged in the information that the article was misbranded in that the statements appearing in the circular, "No. 101 contains no \* \* \* injurious drugs. You give it to children with perfect safety," were false and misleading, since the article contained injurious drugs, quinine sulphate or cinchona alkaloid sulphates, and it could not be given to children with perfect safety. Misbranding was alleged for the further reason that certain statements, designs, and devices appearing on the bottle labels, regarding the curative and therapeutic effects of the article, falsely and fraudulently represented that it was effective as a specific, remedy, treatment, and cure for malaria, chills, chills and fever, la grippe, bilious fever, intermittent and remittent fever, and effective to give appetite, and as a specific, remedy, treatment, and cure for dengue fever, constipation, rundown systems, and effective as a sure and safe preventive for colds, pneumonia, malarial chills and fever, and as a wonderful body-building, strength-giving tonic, and in the case of certain of the shipments of the article that it was effective as a specific, remedy, treatment, and cure for influenza. The information further alleged that certain statements, designs, or devices appearing on the carton, enclosing a portion of the article, falsely and fraudulently represented that it was effective as a specific, remedy, treatment, and cure for continued fever, and effective to restore vitality, renew health, kill the malaria germ, to give strength to the patient, and to act upon the liver.

On September 19, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20163. National Remedy Co. (F. E. Rollins Co.) v. Arthur M. Hyde, et al. Appeal from decree of the Supreme Court of the District of Columbia dismissing bill of complaint. Judgment of Lower Court reversed and cause remanded.**

The National Remedy Co., at the time of the entry of final judgment in this case known as the F. E. Rollins Co., of Boston, Mass., filed a bill of complaint in the Supreme Court of the District of Columbia against William M. Jardine, Secretary of Agriculture, Walter G. Campbell, Director of Regulatory Work, and J. J. Durrett, Chief of Drug Control of the Food and Drug Administration, as the result of libels filed in various United States District Courts charging complainant's product, B. & M. external remedy, with violation of the Federal Food and Drugs Act as amended. Subsequent to the filing of the bill Arthur M. Hyde, who had succeeded William M. Jardine as Secretary of Agriculture, was substituted as party defendant. The bill prayed that the defendants be restrained from prosecuting the said libels, with the exception of one test case, and from causing to be instituted further libels against complainant's product.