

Issued December 5, 1911.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1157.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF HEADACHE POWDERS.

One June 7, 1911, the United States Attorney for the Western District of Michigan, acting upon the report by the Secretary of Agriculture, filed information in the District Court of the United States for said district against the Peck-Johnson Co., alleging shipment by said company, in violation of the Food and Drugs Act, on or about February 8, 1909, from the State of Michigan into the State of Louisiana of a quantity of headache powders which were misbranded. The powders were labeled: "Peck's Headache Powders. Acetanilid 278 grains per ounce. They relieve nearly every form of headache, and contain no opium or other narcotics, and do not unpleasantly affect the nervous system. Directions. Throw a powder on the tongue and swallow with a little water. Repeat in 30 minutes if necessary. Price 25 cents. Peck Bros. Co., Grand Rapids, Mich." The label on the wrapper was as follows: "Peck's Headache Powders. Acetanilid 278 grains per ounce. Will relieve all kinds of Headache, whether arising from excesses of any kind, or a disordered stomach. Will relieve any kind of headache. We will refund the money if they fail to do so. Guaranteed under the Food and Drugs Act of June 30, 1906. Guaranty No. 614." A circular accompanying the product contained the following statements: "Will cure every form of headache"; "The system does not become habituated to the use of them."; and "Contains no opium or other narcotics."

Analysis by the Bureau of Chemistry of the United States Department of Agriculture of samples of said powders showed them to consist of acetanilid, caffeine, and sodium bicarbonate. Misbranding was alleged for the reason that the statements appearing on the

label: "Will cure every form of headache," "The system does not become habituated to the use of them," and "Contains no opium or other narcotics," are false and misleading because the product would not cure every form of headache, and contained a habit-forming drug, and a narcotic, to wit, caffeine.¹

On March 18, 1911, the defendant pleaded guilty and was fined \$25.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *October 5, 1911.*

¹The case as certified to the United States Attorney charged that the acetanilid present in the drug was a narcotic, and did not charge that the caffeine was a narcotic.

