

29450. Misbranding of Ward's Cough Syrup, Ward's Poultry Antiseptic and Astringent, Ward's Improved Colic Remedy, and Ward's Anti-Pain Remedy. U. S. v. Dr. Ward's Medical Co. Pleas of guilty on counts 1 and 3; pleas of nolo contendere on counts 2 and 4. Total fines, \$80. (F. & D. No. 39758. Sample Nos. 19649-C, 30421-C, 30423-C, 30425-C.)

The labeling of these products bore false and fraudulent representations regarding their curative and therapeutic effects.

On January 25, 1938, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Dr. Ward's Medical Co., a corporation, Winona, Minn., alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about January 18 or January 29, 1937, from the State of Minnesota into the State of South Dakota of quantities of the drug preparations hereinafter described, which were misbranded.

Analysis showed that Ward's Cough Syrup consisted essentially of alcohol, ammonium chloride, chloroform, and tarry material, together with a small amount of plant extracts and aromatics; that Ward's Poultry Antiseptic and Astringent consisted essentially of potassium permanganate, copper sulphate, and boric acid, and that it was not an antiseptic when used as directed; that Ward's Improved Colic Remedy consisted essentially of a small proportion of asafetida, alcohol, and water; and that the Anti-Pain Remedy consisted essentially of a small proportion of volatile oils (including methyl salicylate, oil of sassafras, and oil of mustard) and alcohol and water.

The cough syrup was alleged to be misbranded in that certain statements and designs appearing in the circular accompanying the article, falsely and fraudulently represented that it was effective in the treatment of certain disorders and diseases of the bronchial tubes and lungs, coughs, spasmodic croup, bronchial coughs, sore throat, pleuritic coughs, whooping cough, la grippe coughs, hoarseness, and kindred ills affecting the lungs and bronchial tubes, bronchitis, pleurisy, throat disorders, and croup.

The Poultry Antiseptic and Astringent was alleged to be misbranded in that certain statements regarding its curative and therapeutic effects, borne on the carton, falsely and fraudulently represented that the article was effective as an antiseptic in the treatment of swellings of the head, eyes, and nostrils of poultry caused by roup, and in the treatment of common head colds and certain swollen watery condition of the eyes of poultry.

Ward's Improved Colic Remedy was alleged to be misbranded in that certain statements borne on the bottle label, regarding its curative and therapeutic effects, falsely and fraudulently represented that it was effective as a remedy for colic, bloating, "Corn Stalk Disease," colds, bowel and lung disorders or troubles of horses, cattle, sheep, and hogs.

Ward's Anti-Pain Remedy was alleged to be misbranded in that certain statements, designs, and devices borne on the bottle label, falsely and fraudulently represented that it was effective in the treatment of lame back, rheumatism, neuralgia, and lumbago.

On January 29, 1938, a plea of guilty was entered to counts 1 and 3 charging misbranding of the Cough Syrup and Improved Colic Remedy; and the court imposed a fine of \$25 on each of the said counts. On the same date a plea of nolo contendere was entered on the remaining counts; and the court imposed a fine of \$15 on each of these counts, making a total fine of \$80.

HARRY L. BROWN, *Acting Secretary of Agriculture.*