By JAMES C. MUNCH and JAMES C. MUNCH, JR.

NOTICES NOS. 5001

PREVIOUS REPORTS of this series discussed Notices of Judgment (N. J.'s) 1 through 5000, which had been published in accordance with Section 4 of the 1906 Federal Food and Drugs Act. The present report deals with the next 10,000 notices. Among them there were 290 dealing with foods, 648 dealing with drugs, 2,456 dealing with drug products and preparations, and three dealing with cosmetics. This represents a total of 3,397, or slightly more than one third of the total. Of these, there were a total of 56 contests, of which the government won 42.

Foods

The same rules have been used for classifying products into groups as in the previous reports. There were 158 notices in N. J.'s 5001 to 10,000, and 132 in N. J.'s 10,001 to 15,000, or about the same number of actions. Actions were brought because of the presence of arsenic, boric acid, caffeine, heavy metals, glass, methyl alcohol, nitrites, saccharin, salicylic acid, sulfites and talc in a variety of foodstuffs. In addition, actions were brought because of the presence of flies, dirt, feathers and bacterial contaminations.

Several actions were brought against various coal-tar colors because of the presence of an added poisonous and deleterious ingredient, to wit, arsenic. In general, these products were seized in accordance with Section 10, and were usually destroyed. There were two contests

OF JUDGMENT—
TO 15,000

This Is the Third in a Series of Papers on Notices of Judgment (the First Appeared in the April, 1955 *Journal*, the Second in the January, 1956 Issue). Because the Length of Detailed Tables Would Preclude Their Publication, the Authors State That They Will Gladly Answer Any Questions Concerning Specific Products

in these actions. In N. J. 10,371, the court charged the jury that they need pay no attention to the arsenic charge:

> . . . because there is no proof in the case that arsenic, in the quantities which the proof shows were contained in these colors, is, in fact, poisonous, hurtful, or injurious to health.

The jury returned a verdict of guilty, because of other charges.

Another action, brought against one can of coal-tar color (N. J. 12,652), was contested and won by the government in the district court; on appeal, the decision was affirmed by the Circuit Court of Appeals for the Seventh Circuit. It dealt with the presence of arsenic at a level of 20 parts per million in the color as sold, as well as the presence of an excessive proportion of salts. Among the pertinent comments by the district judge were the following:

> . . . the necessary elements to be consumed by the human body contain all the various substances and poisons that would necessarily at some time or other, unless otherwise overcome, impair the vitality of the patient . . . the human

body already contains substantially all of the poisons of various kinds that our present state of longevity will permit and that anything of a poisonous character added to it becomes more or less deleterious to health or in effect, tends to destroy or decrease the vitality of the human body. . . . There is no reason why at this time of our great mental and physical development we need to add to our system unnecessarily more poisons than we already necessarily possess. The very air that we breathe is shown to be charged with a noxious poison known as arsenic; ofttimes the water we drink is charged with the same kind of a poison. Various other things that are necessary to be taken into the human body to sustain life are charged with similar poisons.

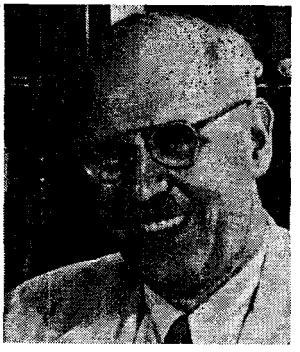
. . I am satisfied that the contention in the libel that this has in it stuff added that is deleterious, and that it is injurious or may be injurious to health when taken in the form of confections or food stuffs, is well founded. It is not important and it is not really any of the court's business how that stuff came in there. Therefore, the opinion of the court is: . . . (4) That the can of coal-tar color libeled contained an added poisonous or deleterious ingredient, to wit, arsenic, which may render said article injurious to health.

In the opinion expressed by the circuit court of appeals, it was pointed out that the arsenic content was 20 parts per million; that the arsenic was present in the sulphanilic acid which was used in the formation of the color; and that practically all coal-tar colors contained some arsenic. The court said:

We are not satisfied, however, that arsenic in such quantity as to be injurious to health was present.

. . . The quantity of arsenic found in this coloring material is so infinitesimal that, when diluted as it is ordinarily used, it would take years to produce "a dose" such as is ordinarily prescribed by physicians—one-thirtieth of a grain. In other words, one would be required to drink 150,000 bottles of soda before he would have consumed a quantity of arsenic sufficient to equal the "dose."

. . . The Congress has not assumed to define with absolute particularity what is or what is not injurious, and we cannot accept the testimony of the one witness who testified for the government to the effect that the word "injurious" is an absolute term. Rather do we conclude upon the testimony before us that the arsenic present in the quantity disclosed was not injurious to health.



James C. Munch, Medical Director of the Vaponefrin Company, Upper Darby, Pennsylvania, Was at One Time Associated with the Bureau of Chemistry (Now the Food and Drug Administration)

James C. Munch, Jr., Is a Premedical Student at Temple University, Philadelphia

Proceedings in the *Coca-Cola* case were finally concluded (N. J. 6117) by concessions on both sides, and the material released on bond. The government dropped charges that nitrites added during the bleaching of flour were deleterious or harmful ingredients, and the United States Supreme Court ruled in favor of the government on the remaining charges in the action against the Lexington Mill and Elevator Company (N. J. 6380). The Supreme Court also passed upon a question raised by Oscar J. Weeks in N. J. 6308. He contended that the charge of misbranding was directed to representations made by the salesmen for his products, and not to statements appearing on the label. The Court ruled that since he had not objected to such statements, he was legally responsible for them.

In an action against moldy and stale confectionery, the Court ruled (N. J. 5543) that there are three distinct types of adulteration outlined in the Act:

. . . (1) by causing it to contain mineral substances, or poisonous colors or flavors;

(2) by permitting it to contain any other ingredients deleterious or detrimental to health;

(3) by the use of any alcoholic or narcotic drug.

The court ruled that this confectionery was adulterated under the second classification.

Some actions were taken against apples, celery and pears because of the presence of arsenic. These were all seizure actions. The jury decided against the attempt of the government to establish standards for nonalcoholic creme de menthe, and the original charge that the presence of 0.25 grain of caffeine per fluid ounce was deleterious was dropped by the government. Saccharin was reported in a variety of

beverages, ice cream cones, pies, relishes and canned vegetables. Salicylic acid was also reported in a number of beverages. The presence of botulinus toxin A in ripe olives was the basis for two actions; this expanded into a major investigation and lead to a number of changes in the method of handling and processing this product. Evidence that adulteration is injurious to health was not required in actions brought against cherries (N. J. 14,090), salmon (N. J.'s 10,499, 11,442, 12,056, 12,221) and sardines (N. J. 12,656).

Perhaps one of the most-quoted decisions was handed down by the Supreme Court in connection with N. J. 12,367, *U. S. v. 95 Barrels of Vinegar*. This was brought to establish the legality of a definition for cider vinegar, as being made from fresh, expressed apple juice rather than from extracted material from dried apples. Since some SO_2 was used during the drying process, it was removed by the addition of a proper barium compound, which left a very small quantity of barium in the final product. Regarding this factor, it was pointed out in the district court and on appeal that no claim was made that the product was deleterious or injurious to health because of this trace of barium. However, the decision handed down by the Supreme Court upheld the finding of the district court, which had been reversed by the Sixth Circuit; the decision was in favor of the government. The Supreme Court stated:

> The statute is plain and direct. Its comprehensive terms condemn every statement, design, and device which may mislead or deceive. Deception may result from the use of statements not technically false or which may be literally true. The aim of the statute is to prevent that resulting from indirection and ambiguity, as well as from statements which are false. It is not difficult to choose statements, designs, and devices which will not deceive. Those which are ambiguous and liable to mislead should be read favorably to the accomplishment of the purpose of the act.

So far as foods were concerned, the decisions handed down tended to clarify various definitions during this interval. There is still some confusion regarding the possible deleterious action following consumption of very small quantities of arsenic, either in coal-tar colors or as spray residues on apples and other fruits.

Drugs

There were 648 notices in this series, of which 350 were included in the second 5000, which were more than the 298 in the first group. However, there were only six contests in the entire series. Adultera-

tion of birch oil or wintergreen oil with synthetic methyl salicylate was decreasing. Because of one defendant's previous record of many violations, the court refused to return one seizure of adulterated birch oil to him, but insisted that it be relabeled and sold by the government (N. J. 7691). In N. J. 5072 the jury accepted the statement of the defendant that he had sold birch oil *exactly* as he received it; therefore, any adulteration must have been done by the *mountain men* who originally distilled the preparation!

In N. J. 6629, action was brought against a sample of pink root, which showed 22 per cent of ash as compared with the official standard that the ash should not exceed 10 per cent. The court raised the question as to whether the sample taken for analysis by the government was adequate to represent the entire shipment. The jury returned a verdict of not guilty. Some confusion was being produced by selling colocynth for colocynth apple (N. J. 12,919) which led to a verdict by the jury of guilty. Similarly, the jury returned a verdict of guilty against savin oil (N. J. 14,364).

In addition to these contested cases, a number of lots of aspirin were substandard or adulterated with salicylic acid or with acetanilide. Samples of heroin were substandard. Action was brought against several lots of hydrogen peroxide because of the presence of acetanilide, although later this practice was proved by the *United States Pharmacopoeia* to be a proper procedure. Samples of saccharin were adulterated with sugar. A campaign against chloroform was started, beginning with N. J. 10,678; material differed from the *United States Pharmacopoeia* standards, almost in spite of the best efforts of all manufacturers. This was responsible for a great deal of research to stabilize the product. Shortages were also noted in a number of alkaloidal preparations.

Drug Products and Preparations

There was a tremendous increase in activities in this area; there were 1,765 N. J.'s in the group 5001-10,000, falling off to 691 in the next 5,000, for a total of 2,456, which represents almost one fourth of these 10,000 notices. Of these there were a total of 38 contests, of which the government won 28. Many of the actions were brought under the Sherley Amendment; most of these actions were seizures, although there were a few instances in which criminal prosecution was also brought against the shipper.

In connection with campaigns waged against aphrodisiacs, emmenagogues, abortifacients and products for the treatment of venereal diseases (usually at home or by the lay person), 93 per cent of 747 products were seized (N. J.'s 5001-10,000) without any court contests; similar results were obtained, although on a somewhat smaller scale, in the second group of notices. The growing importance of actions against veterinary remedies—more particularly, ones for hog cholera —resulted in a new classification for these N. J.'s.

Actions were brought against a number of mineral waters for excessive therapeutic claims. In contesting the seizure of Robinson Mineral Water on the basis that it was not a competent treatment for Bright's disease, as well as many other diseases named on the label (N. J.'s 6623 and 8701), Bradley averred that many reputable physicians used this water with benefit in the treatment of these diseases. Before marketing the water he had it thoroughly tested, and he had made no attempt to sell it until the physicians advised him of its therapeutic value. Therefore, he acted entirely in good faith. The material was released on bond. In the decision of the Fifth Circuit, it was ruled that the words "recommended in the treatment of" could only mean that the product would effect a cure or would alleviate a disease, and also that claims for the treatment of disease rendered this product a drug and not a food.

Two actions were brought against Crab Orchard Mineral Water, recommended for the treatment of rheumatism and other diseases. In N. J. 10,172 it was stated:

> There are differences between scientific men; there are differences between medical men as to the therapeutic effect of medicines. That is well known to all. What the Government must show is that one or more of these statements is false and fraudulent. . . . in construing the language upon this carton you are to interpret it as the ordinary man, the purchaser of ordinary intelligence, would interpret it.

Further action was brought against this product (N. J.'s 11,784 and 12,844). In the district court it was stated that this material had been concentrated so much that only small quantities could be taken and, therefore, that it was a drug. The jury returned a verdict for the government, which was appealed to the Sixth Circuit. In its decision, it was stated:

> If it appears from the testimony of a witness upon preliminary examination that he is learned in the science of chemistry or has been regularly and legally admitted to the practice of medicine, that he has knowledge of the drug elements contained in the article transported in interstate commerce and their

efficacy or lack of efficacy as curative agents, used separately or in combination in the treatment of the diseases specified on the label, his opinion on that subject is competent evidence, regardless of whether he has had actual experience or observation of the effect of the use of such drugs in the exact form in which they are transported in interstate commerce.

In a number of these cases, such as N. J. 5594, where laymen were testifying regarding cures of their own diseases, the question was raised as to whether they really had had the diseases claimed, and whether they really were cured as a result of taking the product in question. Usually, the court pointed out to the jury that they were to weigh the testimony and determine the degree of credence to which such testimony was entitled.

A number of seizures were brought against Hall's Texas Wonder, which was claimed to be of value in the treatment of kidney and bladder troubles; to dissolve gravel; and to aid weak and lame backs, rheumatism and diabetes. Analysis of the preparation by the government revealed the presence of colchicum, copaiba, guaiac, rhubarb and turpentine; Mr. Hall refused to divulge the composition of his product, but claimed that other ingredients were also present. He testified that he had not attended any medical school, but had traveled around the countryside with various doctors and that while he had been sick, he had experimented on himself to develop this formula. He had collected a large number of testimonials, all from laymen; he had no reports of critical, medical investigations of his product. (N. J. 7657.) With the exception of one lot which was released on bond, the material taken in the various seizures was destroyed.

This same question of the ability of laymen to diagnose their own diseases and cures entered into a number of cases. Medical experts for the government testified that no drug or combination of drugs would be able to produce the effects claimed for a preparation. On the other hand, lay witnesses testified under oath that they had had the disease or diseases mentioned on the label; that they had taken the product in question; that they had been benefited or cured. In one such record (N. J. 5535), "Pulmonol" was proposed as a remedy for all pulmonary diseases, including all types of consumption. Analysis showed that it contained guaiacol sulfate. Expert witnesses for the government testified that it would not be efficacious. The defendant, Dr. Payne, testified that it would be and had been, and he offered a number of testimonials to support his testimony. The jury returned a verdict of guilty.

In a similar type of case (N. J. 5526), "Cerebro-Spinal Nerve Compound" was offered for the treatment of all diseases of the brain and spinal cord, including feeble-mindedness and insanity. Experts testified on behalf of the government that no drug or combination of drugs could accomplish these things. On the other hand, a number of laymen testified that they had been cured of such diseases. The decision of the jury was in favor of the government. The case was appealed to the Sixth Circuit on the ground that this product was dangerous to be given to laymen, and that court affirmed the verdict in the lower court.

Of particular interest in this series of court cases was the question of proving a statement to be false, and thereby fraudulent. In the action against Dr. McLean's Liver and Kidney Balm (N. J. 6149), Judge Trieber charged the jury:

> . . . a person who makes a statement which he doesn't know to be true, makes a false statement just as much as a man who makes a statement which he knows to be false.

The members of the jury were unable to agree on a decision, and the case was retried before Judge Dyer. In his charge to the new jury, he stated that:

> . . . one who makes a false statement, not knowing whether it is false or true, is as guilty of wrong as the man who makes a false statement knowing it is false. No one may be permitted to make statements recklessly not knowing whether they are true or false, put these statements out, and then say he did know whether or not it was false.

The jury returned a verdict for the government. The case was appealed to the Eighth Circuit. In announcing its decision (N. J. 6362), it stated:

> This portion of the charge was erroneous, as it permitted the jury to find that the false statements were fraudulent, although the defendant honestly believed them to be true. In cases of this character there must be proof of an actual intent to deceive, an intent that may be inferred from facts and circumstances, but which must be proved.

The same issue developed in the hearing against Long's World's Greatest Kidney and Bladder Remedy (N. J. 9614). In his charge to the jury, the judge stated:

> The man who has no knowledge of a thing, and knowing that he has no knowledge, represents as a fact that a certain thing is true, in the hope that the person to whom the representations are made will rely upon it and accept his statement, that man is committing a fraud . . . because there is fraud in the assumption of knowledge when he knows he hasn't got it.

In considering Gingerole (N. J. 8720), the court stated that the product contained a mild counterirritant, and therefore would have a place in the treatment of pneumonia, chest colds, croup, asthma, neuralgia or rheumatism. Since the officers of the company honestly believed the product to be valuable, there was no convincing evidence of fraud. Since a statement regarding curative or therapeutic effect must be both false and fraudulent, the court returned a decision of not guilty. Akoz, found to consist of clay, was offered as a remedy for stomach troubles, indigestion, kidney troubles, rheumatism, diabetes and toothache. Witnesses for the defense testified that the product had been effective, and the court returned a verdict for the defendant (N. J. 5552). Creosote carbonate was the active ingredient in Tuberclecide (N. J. 5616), with the claim that it was a reliable remedy for tuberculosis. Expert physicians testified for the government that the product would have no remedial value. Three physicians testified for the defense that the product had been used satisfactorily in their practice, one of them having used it with good results on more than 3,000 patients. The court said that it was unable to see why a man could not act in good faith in following the advice of his physician; therefore, there was no fraud on the part of this manufacturer in distributing this product under these claims.

Many of the men who owned or operated certain types of drug companies did not know, nor had they ever attempted to learn, the therapeutic action of the ingredients of the medicines which they sold. Many of them had no training in science, in pharmacy or in medicine. The courts condemned such practices and, in general, courts or juries found for the government in such actions. Perhaps one portion of the charge in N. J. 9614 was in mind in many of the cases. The defense had offered evidence to the effect that this particular product was harmless, although it was recommended for the treatment of kidney and bladder diseases. The judge stated that:

> . . . a person should not thus be induced to part with his money . . . nor should a person be thus led to believe and rely upon a certain thing as a cure for a dangerous and deadly disease, and thus, perhaps, be led to defer consultation or inquiry which might help him if taken in time, and which might not help him later.

A product was marketed as an emulsion of turpentine, ammonia and salicylic acid, for the cure of tuberculosis, asthma and other diseases. It was seized (N. J. 11,671), and the seizure contested before

a court and jury. The decision was in favor of the claimant. However, the charge by Judge Morris is of particular interest in connection with the consideration of cases of this character:

> You should take into consideration the fact that when any individual or company puts out a drug intended for use by persons so credulous as those who are suffering from disease such individual or company is assuming a great responsibility and extreme caution should be exercised in informing them of the curative or alleviating properties of the drug. Great and lasting injury to the health of individuals may result if misstatements are made as to its curative effects by inducing its use in the incipient stages of diseases upon which it has no effect, which if taken in time, might by proper treatment be cured. Knowing and realizing this as every owner of a proprietary medicine must if he is a person of intelligence, it is for you to say whether or not he would not, before advertising his medicine, first ascertain just what its curative and therapeutic effect is upon the diseases for which he recommends it. . . .
>
> To explain a little more fully my meaning, a man might easily justify advertising the curative effects of a drug which was generally recognized as beneficial in the cure of specified diseases, but if a man puts onto the market a drug which is not so recognized by skilled practitioners, he should be held to a high degree of care in his efforts to ascertain the curative effects of the drug that no mistake be made, because he may be trifling with human life. He must use great care in his advertising matter, and know, or honestly believe, that his representations are true and are so worded as not to deceive the public.

In reviewing the actions taken against this group of products, it is noted that increasing use was made of the seizure provisions of the Act. Most of the seizures in this group were brought because of therapeutic claims. In general, the higher courts tended to support the decisions of the district judges or juries. The need for manufacturers or distributors of drug preparations to obtain proper information with respect to the medicinal value of their preparations for the treatment of various disease conditions set forth on the labels was emphasized. Imposition of somewhat larger fines, as well as an occasional jail sentence, began to appear.

Cosmetics

It has been difficult to determine, in a number of instances, whether some cases should be classified under "Cosmetics" or under "Drug Products and Preparations." Efforts were made to decide in accordance with the information stressed in the various notices. There were three cosmetics among the notices in the group 5001-10,000, and none in the other series of 5,000 notices. A product offered as a skin bleach (N. J. 5598) was seized and destroyed. In addition, there were two vegetable soaps with claims for curing or relieving various in-

volvements of the skin and scalp. Analysis showed these were both coconut-oil soaps. There were no court contests.

Summary

This series of 10,000 N. J.'s contained a total of 3,397 reports which were incorporated in this study. About three fourths of these dealt with drug products and preparations. There was noted a marked increase in the use of seizure action under Section 10 of the Act. There appears to emerge a program of project activities—at times approaching campaigns—against arsenic in coal-tar colors or on fruits; against decayed or decomposed canned salmon; against substandard alkaloidal preparations; against products for the home treatment of venereal diseases; and against chloroform for anesthesia—to mention the more outstanding types of products. The total numbers of court contests were decreasing, and a greater proportion were won by the government. **[The End]**

N. J.'s CITED

N. J. No. 5072: *U. S. v. Valentine B. Bowers (New York Rackett Store)* (Elk Park, North Carolina).

N. J. No. 5526: *U. S. v. Charles M. Simpson (Dr. C. M. Simpson's Medical Institute)* (Cleveland, Ohio).

N. J. No. 5535: *U. S. v. Pulmonol Chemical Company* (Brooklyn, New York).

N. J. No. 5543: *U. S. v. Watson, Durand-Kasper Grocery Company* (Salina, Kansas).

N. J. No. 5552: *U. S. v. Natura Company* (San Francisco, California).

N. J. No. 5594: *U. S. v. C. M. C. Stewart Sulphur Company* (Seattle, Washington).

N. J. No. 5598: *U. S. v. 20 Dozen Packages Palmer's Skin Whitener (Jacobs' Pharmacy Company)* (Atlanta, Georgia).

N. J. No. 5616: *U. S. v. The Tuberclecide Company* (Los Angeles, California).

N. J. No. 6117: *U. S. v. 40 Barrels and 20 Kegs Coca-Cola.*

N. J. No. 6149: *U. S. v. The Dr. J. H. McLean Medicine Company* (St. Louis, Missouri).

N. J. No. 6308: *U. S. v. Oscar J. Weeks (O. J. Weeks & Company)* (New York, New York).

N. J. No. 6362: *U. S. v. Dr. J. H. McLean Medicine Company* (St. Louis, Missouri).

N. J. No. 6380: *U. S. v. 625 Sacks of Bleached Flour (Lexington Mill and Elevator Company)* (Lexington, Nebraska).

N. J. No. 6623: *U. S. v. 275 Cases of Mineral Water (Robinson Springs and Sanitarium Company)* (Pocahontas, Mississippi).

N. J. No. 6629: *U. S. v. S. B. Penick & Company* (New York, New York).

N. J.'s CITED—Continued

N. J. No. 7657: *U. S. v. One Gross Packages "The Texas Wonder, Hall's Great Discovery" (E. W. Hall)* (St. Louis, Missouri).

N. J. No. 7691: *U. S. v. Two Cans of Oil of Sweet Birch and Three Cans of Oil of Gaultheria (T. J. Ray)* (Johnson City, Tennessee).

N. J. No. 8701: *C. L. Bradley, Claimant of 275 Cases of Mineral Water v. U. S.*

N. J. No. 8720: *U. S. v. Gingerole Company* (Washington, Pennsylvania).

N. J. No. 9614: *U. S. v. William T. Long (William T. Long Medicine Company)* (Oklahoma City, Oklahoma).

N. J. No. 10,172: *U. S. v. 36 Bottles of Crab Orchard Mineral Water (L. H. Goodwin & Company)* (Crab Orchard, Kentucky).

N. J. No. 10,371: *U. S. v. W. B. Wood Manufacturing Company* (St. Louis, Missouri).

N. J. No. 10,499: *U. S. v. 430 Cases of Salmon (Fidalgo Island Packing Company)* (Anacortes, Washington).

N. J. No. 10,678: *U. S. v. 31 Tins of Chloroform (Stellar Chemical Company, Inc.)* (New York, New York).

N. J. No. 11,442: *U. S. v. 1,974 Cases of Canned Salmon (Cannery of Alaska Herring & Sardine Company)* (Port Walter, Alaska).

N. J. No. 11,671: *U. S. v. 11 Packages of B. & M. External Remedy (National Remedy Company)* (Boston, Massachusetts).

N. J. No. 11,784: *U. S. v. 22 Bottles Crab Orchard Concentrated Mineral Water.*

N. J. No. 12,056: *U. S. v. 496 Cases, et al. of Salmon (Griffith-Durney Company)* (Seattle, Washington).

N. J. No. 12,221: *U. S. v. 800 Cases, et al. of Salmon (Jeldness Brothers & Company)* (Point Ellis, Washington).

N. J. No. 12,367: *U. S. v. 95 Barrels Alleged Apple Cider Vinegar (Douglas Packing Company)* (Rochester, New York).

N. J. No. 12,652: *U. S. v. One Pound Can Coal-Tar Color (W. B. Wood Manufacturing Company)* (St. Louis, Missouri).

N. J. No. 12,656: *U. S. v. 500 Cases, et al. of Sardines (Seacoast Canning Company)* (Eastport, Maine).

N. J. No. 12,844: *Idie C. Goodwin and L. H. Goodwin & Company v. U. S.*

N. J. No. 12,919: *U. S. v. McIlvaine Brothers* (Philadelphia, Pennsylvania).

N. J. No. 14,090: *U. S. v. 384 Cases of Canned Cherries (Fredonia Preserving Company)* (Fredonia, New York).

N. J. No. 14,364: *U. S. v. Magnus, Mabee & Reynard* (New York, New York).

Outcome of Court Contests: N. J.'s 5001-15,000

(1) Foods (290)

N. J.	*Product*	*Plea*	*Decision*		*Discussion*
			g.	*n. g.*	
10,371	Coal-tar Color	S.; Contest	Jury		Court ignored quantity arsenic.
12,652	Coal-tar Color	S.; Contest	Court		
5543	Confectionery	n. g.	Court		Wormy, stale, etc.
14,090	Cherries, Canned	S.; Contest	Court		Proof injury to health not required.
14,767	Creme de Menthe	S.; Contest		Jury	Questioned identity.
6380	Flour, Bleached	n. g.		Court	Charge nitrates injurious dropped.
10,499	Salmon, Canned	S.; Contest	Court		Sample adequate? Since casualties might result, refused release.
11,442	Salmon, Canned	S.; Contest	Jury		Decayed salmon not injurious to health.
12,056	Salmon, Canned	S.; Contest	Court		Decomposed, sale prohibited.
12,221	Salmon, Canned	S.; Contest	Court		
12,656	Sardines, Canned	S.; Contest	Court		Injury to health not required proof.
12,367	Vinegar	S.; Contest	Court		Harmfulness barium dropped; statute plain and direct.
	Total	12	10	2	

(2) Drugs (648)

5072	Birch Oil	n. g.		Jury	"Mountain men" adulterated.
6502	Birch Oil	n. g.	Jury		N.g. conspiracy.
6502	Pennyroyal Oil	n. g.	Jury		N.g. conspiracy.
12,919	Colocynth Apple	n. g.	Jury		Excess seed and oil.
6629	Pink Root	n. g.		Jury	Excess ash.
14,364	Savin Oil	n. g.	Jury		Adulterated other oils.
	Total	6	4	2	

Outcome of Court Contests: N. J.'s 5001-15,000—Continued

(3) Drug Products and Preparations (2,456)

N. J.	*Product*	*Plea*	*Decision*		*Discussion*
			g.	*n. g.*	
5552	Akoz	n. g.		Court	
11,671	B. & M. External Remedy	S.; Contest		Jury	Cure for tuberculosis.
5548	Bell-ans	n. g.		Jury	
5906	Bethesda Water	n. g.	Jury		No radioactivity.
5901	Dr. Bigger's Cordial	n. g.	Jury		
14,373	Bowman Abortion	S.; Contest	Court		Veterinary use.
5526	Cerebro-Spinal	n. g.	Jury		
10,172	Crab Orchard Water	S.; Contest	Jury		For rheumatism.
11,784	Crab Orchard Water	S.; Contest	Jury		For rheumatism.
11,372	Crane Pills	n. g.	Court		For liver diseases.
11,372	Crane Quinine	n. g.	Court		For pulmonary diseases.
11,373	Crane Pills	n. g.	Court		For kidney diseases.
9501	Diamond Powder	n. g.		Jury	
12,873	Dobry Cholera	n. g.	Jury		For hog cholera.
8720	Gingerole	n. g.		Court	
8021	Gon-Nol	n. g.	Jury		CCA-9 affirmed.
5266	Hamer's Remedy	n. g.	Court		
5100	Hampton Water	n. g.	Jury		
5015	Hite's Remedy	n. g.		Jury	
8021	Kar-Kol	n. g.	Jury		CCA-9 affirmed.
8021	Kar-Nitum	n. g.	Jury		CCA-9 affirmed.
8021	Kar-Ru	n. g.	Jury		CCA-9 affirmed.
9008	La Nobleza	n. g.	Jury		One year jail.
9614	Long's K&B	n. g.	Jury		
6362	Dr. McLean's L&K	n. g.		Court	Reversed by CCA-8.
5535	Pulmonol	n. g.	Jury		
8640	Rice Goose Grease	n. g.		Jury	

6623	Robinson Water	S.; Contest	Jury		CCA-5 affirmed.
9008	Sin Iqual	n. g.	Jury		One year jail.
8345	Sulfox Water	n. g.		Court	Induced shipment.
5594	Sulphurro	n. g.	Jury		
8360	Texas Wonder	S.; Contest	Court		CCA-5 affirmed.
9433	Tratr. Zendajas	S.; Contest	Court		
5616	Tuberclecide	n. g.		Court	No fraud involved.
5124	Victor Injection	n. g.	Jury		
5124	Victor No. 6	n. g.	Jury		
5124	Victor No. 19	n. g.	Jury		
6125	Wine Chenstohow	n. g.	Plea		Jury unable to decide.
	Total	38	28	10	

(4) Cosmetics (3)

No Contests

Grand Total: (3,397)	56	42	14	

Summary

Class	*Total Number*	*Contested*	*Verdict* *Government*	*Defendant*
(1) Foods	290	12	10	2
(2) Drugs	648	6	4	2
(3) Drug Products and Preparations	2,456	38	28	10
(4) Cosmetics	3	0	0	0
Total	3,397	56	42	14

Abbreviations:
n.g.—not guilty
S.—seizure