

Migraine tablet poisoning : a medico-legal matter / by John Ashburton Cutter and Dallas Flannagan.

Contributors

Cutter, John Ashburton, 1867-
Flannagan, Dallas.
Royal College of Surgeons of England

Publication/Creation

Philadelphia, PA : The Bulletin, 1903.

Persistent URL

<https://wellcomecollection.org/works/pqr8qxq8>

Provider

Royal College of Surgeons

License and attribution

This material has been provided by This material has been provided by The Royal College of Surgeons of England. The original may be consulted at The Royal College of Surgeons of England. where the originals may be consulted. Conditions of use: it is possible this item is protected by copyright and/or related rights. You are free to use this item in any way that is permitted by the copyright and related rights legislation that applies to your use. For other uses you need to obtain permission from the rights-holder(s).



Wellcome Collection
183 Euston Road
London NW1 2BE UK
T +44 (0)20 7611 8722
E library@wellcomecollection.org
<https://wellcomecollection.org>

2
X
[Published in the *Medical Bulletin*, Philadelphia, March,
1903.]

7
MIGRAINE TABLET POISONING:
A MEDICO-LEGAL MATTER.¹

BY JOHN ASHBURTON CUTTER, M.D., B.Sc.,

AND

DALLAS FLANNAGAN, B.S., LL.M.,

Of the New York Bar.

THE case of Hamilton M. Dawes against Hegeman & Co. was tried in the Supreme Court of the State of New York on the 29th, 30th, and 31st days of October, 1902, before Mr. Justice Samuel Greenbaum and a jury.

The testimony of the plaintiff, Mr. Dawes, showed that on the morning of August 31, 1899, he was coming from his house in the city of New York to his office near Wall Street, and while passing near the store of Hegeman & Co.,

¹ Presented to the Medical Society of the Borough of the Bronx, of the City of New York, November 12, 1902.

196 Broadway, he left a companion and went into the store for the purpose of getting some medicine for a cold in the head from which he was suffering. He asked the clerk for some 2-grain quinine capsules for a cold in the head, and was told by him that they had a remedy which was better for that trouble than quinine, inasmuch as it did not produce the unpleasant ringing sensation in the head ordinarily felt after taking quinine, and thereupon he handed Mr. Dawes a bottle of Dr. Goldsmith's Quick Headache Cure. Mr. Dawes demurred to the medicine, saying that he was not suffering from headache, but a cold in the head; the clerk renewed his assurances that the medicine was recommended for that purpose by the house, stating that it was harmless and referring Mr. Dawes to the label, which contained the words: "Dr. Goldsmith's Quick Headache Cure. Guaranteed Harmless. Certainly the

most effective remedy for headache ever compounded. Dose: Adults take 2 tablets; then, if headache has not disappeared in two hours, take 1 every three hours. For sleeplessness, 2 on retiring. Price, 25 cents. Hegeman & Co., Agents, A Corporation, 196 Broadway, New York."

This satisfied Mr. Dawes and he thereupon took two of the tablets on his tongue which he swallowed without any water. This was about ten o'clock in the morning. About two hours later, just before or at lunch, Mr. Dawes took a third tablet, and had for his lunch a cup of hot coffee with a hot roast-beef sandwich. A friend, who accompanied him to lunch, ate the same things, the coffee being drawn from the same urn, and the sandwich being taken from the same cuts.

After finishing lunch Mr. Dawes went to the office of a friend, 111 Broadway, and after remaining there a few min-

utes suddenly collapsed. Medical aid was summoned, and the medical writer of this paper responded from his consulting office in the Equitable Building. He found Dawes seated in a chair at a closed window, absolutely unconscious; undershirt and negligé shirt reeking wet with sweat; heart beating feebly at 50 times per minute, occasionally jerking up to 100; respiration very shallow at 4 times per minute, and scarcely perceptible; lips blue and white, and covered with foam; face greenish, grayish, yellowish—that indescribable appearance seen on the face of the dying. He was stretched out recumbent by the medical attendant away from the window, covered up with extra clothing, and the window opened wide. A hypodermatic injection of 1-30 grain of strychnia sulphate, 1-8 grain of morphia sulphate, 1-400 grain each of atropia sulphate and hyoscine hydrobromate was given him. Fifteen minutes later an-

other injection of 1-30 grain of strychnia was administered and in fifteen minutes the medical attendant left him to return to his office. Dawes had been unconscious for about fifteen minutes before medical aid arrived, and was not fully recovered when he left; but with improvement of the heart condition, and direction that he should remain in a recumbent position, it was felt safe to leave him until three o'clock, when, on the return of the medical attendant, he was found sitting up. He was instructed to go home quietly and rest. Strychnia tablets, 1-30 grain each, were given him to take, 1 three times a day. He visited the medical attendant's office four times in the next two weeks. Several specimens of urine were examined, which were found normal.

Within the last eighteen months he has been examined several times and was found to have an hypertrophied heart, which condition exists to-day. He suf-

fers from headaches, irritability, nervousness, and shortness of breath; cannot do the work he used to, and is easily tired.

At the time of this occurrence, August 31, 1899, Mr. Dawes was 28 years of age; he had never suffered from any considerable illness or experienced difficulty in breathing. His capacity for work was unusual, and he had accomplished a great deal, working at his occupation as a lawyer in the daytime, and teaching literature in the evenings, making a total working-day of fourteen hours. As far as he was able to tell as a layman, he was perfectly well and healthy; he frequently did considerable walking as a matter of choice and recreation, rather than of necessity. He had never been given to shortness of breath, nor been conscious of any disturbance in the region of the heart or kidneys; his urine was normal, and having been examined some time prior to

August 31, 1899, by Dr. Scott, his heart and lungs were found normal; he had never suffered in his life any loss of consciousness or convulsions, nervous or spasmodic seizure of any kind. On the day of his illness he had been unconscious of any trouble except the usual symptoms of cold in the head.

The medical writer hereof testified that he had diagnosticated the case as poisoning from his observation at the time and from the history given. On cross-examination he indicated that the condition might have been caused by one of the coal-tar products, suggesting acetanilid, and that the hypertrophied heart was due to the paralyzing action of some such poison upon the heart and nerve-centres; that such poison being slowly soluble, the two tablets taken dry upon the tongue at about ten o'clock did not dissolve till the third was taken and followed by hot coffee; thus the heart received the effect of the three tablets;

that this opinion was based upon his experience in the last sixteen years in special work on chronic cases of disease, *i.e.*, as to their causation and treatment.

Upon this evidence the plaintiff closed his *prima facie* case, and the defendant having moved to dismiss the complaint upon the evidence of the plaintiff, the motion was denied. Thereupon the defendant introduced its evidence. The plaintiff was able to adduce from defendant's witnesses on cross-examination that Dr. Goldsmith's Quick Headache Cure is nothing more than Migraine Tablets No. 2; that Hegeman & Co. purchased these tablets, had them repacked in the bottles in which they sell them, and caused the labels as above indicated to be put on the bottles. It was also developed on cross-examination that Hegeman & Co. have no prescription from Dr. Goldsmith for Migraine Tablets No. 2; that the present management have never seen Dr. Goldsmith, and do not

know whether any such person exists or not. Defendant's witnesses also testified to having analyzed certain of these tablets from their store, and that the analysis showed substantially the same formula as published, namely: acetanilid, 3 grains; monobromated camphor, 2 grains; and citrated caffeine, 1 grain.

Considerable expert testimony was introduced by both sides in regard to acetanilid, from which it appeared that the dose varied according to various text-book writers, from 5 to 10 grains, 5 to 15 grains, and 3 to 10 grains. The United States Dispensatory gives dosage of 5 to 15 grains, *and notes one case of collapse from 5 grains and another of death from 5 grains.* The British Pharmacopœia gives dosage of 1 to 3 grains.

As Migraine Tablets No. 2 contain 3 grains of acetanilid each, Mr. Dawes took 6 grains of acetanilid dry in the store and followed it by 3 grains two hours later, with a cup of hot coffee and

a hot sandwich with gravy. Acetanilid being slowly soluble, *to repeat, the whole 9 grains were probably dissolved about the same time by the hot coffee, so that he got the simultaneous effect of the entire 9 grains.*

Dr. Edward A. Ayers appeared as an expert in behalf of the plaintiff, and Dr. J. P. Cruikshank in behalf of the defendant.

One of the interesting developments in the trial was that Hegeman & Co. pay their clerks a commission on the amount of Hegeman's own preparations which they sell, besides a regular salary. This, perhaps, was the moving consideration with the clerk in inducing Mr. Dawes to purchase the Headache Cure instead of the quinine which he asked for.

The theory of the plaintiff was two-fold, that of negligence and of breach of contract, but the case was submitted by the judge to the jury entirely upon the theory of contract. He charged them that the words "Guaranteed Harmless"

upon the label of the bottle, coupled with the other facts of the case, constituted a contract between Hegeman & Co. and Mr. Dawes that they were harmless, and that if they found that he was injured by the tablets they should bring in a verdict in his favor.

Considerable ingenuity was expended by the defence in impressing the theory that the plaintiff was guilty of contributory negligence in taking a medicine on its face prepared for headache when he had no headache and was suffering from cold in the head only; but the case having been submitted on the theory of contract, and the theory of negligence thus eliminated from the case, the question of contributory negligence was likewise withdrawn from consideration.

The jury found a verdict for the plaintiff for \$3,281.08.

George M. Bain, Esq., of the New York bar, appeared for the defendant, and Dallas Flannagan, Esq., for the plaintiff.

