

# United States Department of Agriculture,

## OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 792, FOOD AND DRUGS ACT.

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#### ADULTERATION AND MISBRANDING OF A DRUG PRODUCT—SPIRITS OF TURPENTINE.

On or about October 6, 1910, W. R. Winn, New York City, shipped from the State of New York to the State of Connecticut two barrels of a drug product labeled: "W. R. Winn—Spirits Turpentine—143 Maiden Lane, N. Y." Samples of this product were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and the product was found to contain 14 per cent of mineral oil which had been substituted for spirits of turpentine. As the findings of the analyst and report made indicated that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, and liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the District of Connecticut.

In due course a libel was filed in the District Court of the United States for said district against the said two barrels of turpentine charging the above shipment and alleging that the product so shipped was adulterated in that said drug product was sold and transported from the State of New York to the State of Connecticut as "Spirits Turpentine," a name recognized in the United States Pharmacopœia, whereas said drug product differed from the standard of strength, quality, and purity as determined by the test laid down in said United States Pharmacopœia at the time of the investigation for the drug product known as spirits of turpentine, and in that said drug product so sold and transported contained a quantity of mineral oil which had been mixed with and substituted for spirits of turpentine, and further alleging the product to be misbranded in that the container was labeled as above set forth, whereas in fact the product in question consisted of a mixture of spirits of turpentine and mineral oil, said labeling being false and misleading in that it indicated that said product consisted of spirits of turpentine, and in that there was no statement upon the container of said product indicating that said product contained mineral oil, whereas in fact the mineral oil contained therein was an adulterant, and praying seizure, condemnation, and forfeiture of the product.

Thereupon the above mentioned W. R. Winn entered an appearance by his attorneys and signified his intention not to file any claim or answer in said action. The case coming on for hearing, the court being fully informed in the premises issued its decree condemning the same to the use of the United States for the reasons and causes set forth in said libel, with the proviso, however, that upon the execution and delivery of a good and sufficient bond to the United States in the penal sum of \$100 conditioned that said two barrels of turpentine should not be sold or otherwise disposed of contrary to law, the marshal of said district should release said two barrels of turpentine to the above mentioned W. R. Winn at the expense of the latter. Said bond having been furnished and costs paid by the claimant aforesaid, the product was forthwith released to him in accordance with the terms of said decree.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *February 25, 1911.*

