

4403. Misbranding of "Ferro-China Trionfo." U. S. v. Basilea-Calandra Co., a corporation. Plea of guilty. Fine, \$50. (F. & D. No. 6203. I. S. Nos. 8575-h, 22170-h.)

On February 4, 1916, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Basilea-Calandra Co., a corporation, New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, on March 20, 1913, from the State of New York into the State of Colorado, and on June 12, 1914, from the State of New York into the State of Pennsylvania, of quantities of "Ferro-China Trionfo," which were misbranded. The shipment to Colorado was labeled: (Neck label) "Ferro China Trionfo." (Main label) "Ferro-China Trionfo Iron-Cinchona-Bitter Compounded Guaranteed under the Pure Food & Drugs Act, June 30, 1906—Serial No. 4234—Made in U. S. A. FCT Contains 35% Alcohol by Volume Liquore Tonico Ricostituente Per l'azione esercitata dal ferro unito alla china viene caldamente raccomandato da celebrità Mediche Modo D Usarlo Si prende a qualunque ora, solo o misto ad acqua semplice od acqua di seltz, caffè, ecc, Nella dose da due o tre bicchierini al giorno. Per i bambini diminuire in proporzione dell' età. FCT." The shipment to Pennsylvania was labeled as above, and in addition as follows: (On stickers) "Artificially Colored This Bottle Contains 31½ Oz." "The above guaranty is not made by the Department of Agriculture but by the makers of this compound, serial No. 4234."

Analyses of samples of the article by the Bureau of Chemistry of this department showed the following results:

1. Sample from the Colorado shipment.

Alcohol (per cent by volume)-----	19.62
Solids (grams per 100 cc)-----	9.58
Ash (gram per 100 cc)-----	0.07
Total ether-soluble alkaloids (gram per 100 cc)-----	0.02
Ferric oxid (gram per 100 cc)-----	0.03
Sucrose (per cent)-----	7.98
Invert sugars (per cent)-----	0.60
Quinine: Present.	

2. Sample from the Pennsylvania shipment.

Alcohol (per cent by volume)-----	12.17
Iron: Small amount present.	
Quinine: Present.	
Coal-tar color: None.	
Caramel: Present.	

Misbranding of the article was alleged in the information for the reason that the following statement regarding it and the ingredients and substances contained therein, appearing on the label of the bottle aforesaid, to wit, "Contains 35% Alcohol by Volume," was false and misleading in that it indicated to purchasers thereof that the article of drugs contained 35 per cent of alcohol by volume, when, in truth and in fact, it did not, but contained a less amount thereof, to wit, 19.62 per cent by volume (in the case of the Colorado shipment), and 12.17 per cent by volume (in the case of the Pennsylvania shipment): Misbranding was alleged for the further reason that the following statements regarding the article and the ingredients and substances contained therein, appearing on the label of the bottle aforesaid, to wit, "Ferro-China Trionfo * * * Liquore

Tonico Ricostituente," and other statements in the Italian language not corrected by the statement in small type, appearing on the label, to wit, "Made in U. S. A.," were false and misleading in that they indicated to purchasers thereof that the article was of foreign origin and had been manufactured in the Kingdom of Italy, when, in truth and in fact, it was not, but was of domestic origin and had been manufactured in the United States, to wit, in the city of New York, State of New York.

On March 10, 1916, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$50.

CARL VROOMAN, *Acting Secretary of Agriculture.*