

4573. Adulteration and misbranding of "Ammonium Bromid." U. S. v. William P. Kenealy. Plea of guilty. Fine, \$10. (F. & D. No. 6891. I. S. No. 22321-h.)

On February 21, 1916, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of the District aforesaid an information against William P. Kenealy, Washington, alleging the sale by said defendant, in the District aforesaid, in violation of the Food and Drugs Act, on April 15, 1914, of a quantity of ammonium bromid prepared on a physician's prescription as follows:

"ODEN R. SUDLER, M. D.

1108 New Hampshire Avenue

Washington, D. C.

R

Ammon. Brom.----- ʒii

Aq. Cinnam.----- ʒiv

M. Sig:—One dessertspoonful in a wineglassful of water every 3 hours.

O. R. Sudler."

which was adulterated and misbranded. The article was labeled: "Purity our motto W. P. Kenealy, Prescription Druggist No. 108214 Dr. Sudler. Dessertspoonful in a wineglass of water every 3 hrs. 4-15-14 Cor. N. Capitol and Eye Streets, Washington, D. C. Opp. St. Aloysius Church Compounded by Checked by We guarantee the quality of this prescription regarding purity accuracy and as being strictly in accordance with the physicians order. W. P. Kenealy."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the presence of 0.267 drams ammonium bromid per fluid ounce.

Adulteration of the article was alleged in the information for the reason that the prescription aforesaid called for two drams of ammonium bromid in four fluid ounces of cinnamon water, and when sold as aforesaid said drug purported to contain two drams of ammonium bromid in four fluid ounces of cinnamon water, whereas, in truth and in fact, the purity and strength of said drug fell below the professed standard or quality under which it was sold, in that it did not contain two drams of ammonium bromid in four fluid ounces of cinnamon water, but did contain a less amount, to wit, approximately, one dram of ammonium bromid in four fluid ounces of cinnamon water.

Misbranding was alleged for the reason that the statement, to wit, "We guarantee the quality of this prescription regarding purity accuracy and as being strictly in accordance with the physicians order. W. P. Kenealy," borne on the label attached to the bottle, was false and misleading in that it represented that the article was compounded strictly in accordance with the physician's order, which called for two drams of ammonium bromid to four fluid ounces of cinnamon water, whereas, in truth and in fact, it was not so compounded as it did not contain two drams of ammonium bromid to four fluid ounces of cinnamon water, but did contain a less amount, to wit, approximately, one dram of ammonium bromid to four fluid ounces of cinnamon water.

On February 21, 1916, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10.

CARL VROOMAN, *Acting Secretary of Agriculture.*