

it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds totaling \$9,100, conditioned in part that it not be sold or otherwise disposed of contrary to law.

W. M. JARDINE, *Secretary of Agriculture.*

**14776. Adulteration and misbranding of nux vomica tincture, stramonium tincture, belladonna leaves tincture, aconite root tincture, atropine sulphate tablets, and morphine sulphate tablets. U. S. v. The Drug Products Co., Inc. Plea of guilty. Fine, \$2,000. (F. & D. No. 19654. I. S. Nos. 13016-v, 13017-v, 13019-v, 13020-v, 13034-v, 13039-v, 14325-v, 14326-v.)**

On October 22, 1926, the United States attorney for the Eastern 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 Drug Products Co., Inc., Long Island City, N. Y., alleging shipment by said company, in violation of the food and drugs act, in various consignments, on or about April 12 and 14, 1924, respectively, from the State of New York into the State of New Jersey, of quantities of nux vomica tincture, stramonium tincture, belladonna leaves tincture, aconite root tincture, atropine sulphate tablets, and morphine sulphate tablets, and on or about October 27, 1924, from the State of New York into the State of Massachusetts, of quantities of morphine sulphate tablets and atropine sulphate tablets, respectively, which products were adulterated and misbranded. The articles were labeled, variously: "Tincture \* \* \* Nux Vomica U. S. P."; "Tincture \* \* \* Stramonium U. S. P."; "Tincture \* \* \* Belladonna Leaves U. S. P."; "Tincture \* \* \* Aconite Root U. S. P."; "Tablets \* \* \* Atropine Sulphate 1-200 Grain"; "Tablets \* \* \* Each tablet contains Morphine Sulphate  $\frac{1}{2}$  grain," and were further labeled, "The Drug Products Co. Inc."

Analysis by the Bureau of Chemistry of this department of samples of the articles showed that: The nux vomica tincture yielded not more than 0.208 gram of the alkaloids of nux vomica per 100 mls, which is 12 per cent below the minimum requirement of the pharmacopoeia; the stramonium tincture yielded not more than 0.011 gram of the alkaloids of stramonium per 100 mls, which is 51 per cent below the minimum requirement of the pharmacopoeia; the belladonna leaves tincture yielded not less than 0.052 gram of the alkaloids of belladonna leaves per 100 mls, which is 57 per cent above the maximum requirement of the pharmacopoeia; the aconite root tincture was less than half the strength required by the pharmacopoeia; the two samples of morphine sulphate tablets, labeled "1/2 grain," contained about 0.44 grain of morphine sulphate in each case; a sample of the atropine sulphate tablets, labeled "1/200 Grain," from the shipment into New Jersey contained codeine and a sample from the shipment into Massachusetts contained 1/155 grain of atropine sulphate, which is 29 per cent above the declared amount.

Adulteration of the nux vomica tincture, stramonium tincture, belladonna leaves tincture, and aconite root tincture, was alleged in the information for the reason that they were sold under names recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the tests laid down in said pharmacopoeia, official at the time of investigation of the articles, in that the nux vomica tincture yielded not more than 0.208 gram of the alkaloids of nux vomica per 100 mls, whereas the pharmacopoeia provided that nux vomica tincture should yield not less than 0.237 gram of the alkaloids of nux vomica per 100 mls; the stramonium tincture yielded not more than 0.011 gram of the alkaloids of stramonium per 100 mls, whereas the pharmacopoeia provided that it should yield not less than 0.0225 gram of the alkaloids of stramonium per 100 mls; the belladonna leaves tincture yielded not less than 0.052 gram of the alkaloids of belladonna leaves per 100 mls, whereas the pharmacopoeia provided that it should yield not more than 0.033 gram of the alkaloids of belladonna leaves per 100 mls; and the aconite root tincture yielded not more than 0.022 gram of the ether-soluble alkaloids of aconite per 100 mls, and upon biological assay, the minimum lethal dose per gram of body weight of guinea pig was more than 0.0004 mil, namely, not less than 0.004 mil per gram of body weight of guinea pig, whereas said pharmacopoeia provided that aconite root tincture should yield not less than 0.045 gram of the ether-soluble alkaloids of aconite per 100 mls, and that upon biological assay the minimum lethal dose should not be greater than 0.0004 mil for each gram of body weight of guinea pig, and the standards of

strength, quality, and purity of the said articles were not declared on the containers thereof.

Adulteration of the morphine sulphate tablets, and the atropine sulphate tablets shipped October 27, 1924, into Massachusetts, was alleged for the reason that their strength and purity fell below the professed standard and quality under which they were sold, in that each of the morphine sulphate tablets was represented to contain 1/2 grain of morphine sulphate and each of the atropine sulphate tablets involved in the said shipment into Massachusetts was represented to contain 1/200 grain of atropine sulphate, whereas each of the morphine sulphate tablets contained less than 1/2 grain of morphine sulphate and each of the said atropine sulphate tablets shipped into Massachusetts contained more than 1/200 grain of atropine sulphate. Adulteration of the remaining shipment of atropine sulphate tablets was alleged for the reason that its strength and purity fell below the professed standard and quality under which it was sold, in that it was sold as tablets composed wholly of atropine sulphate, whereas the said tablets were composed in part of codeine.

Misbranding of the said tinctures was alleged for the reason that the statements, to wit, "Tincture \* \* \* Nux Vomica U. S. P.," "Tincture \* \* \* Stramonium U. S. P.," "Tincture \* \* \* Belladonna Leaves U. S. P." and "Tincture \* \* \* Aconite Root U. S. P.," borne on the respective labels, were false and misleading, in that the said statements represented that the articles conformed to the standards laid down in the United States Pharmacopoeia, whereas, in truth and in fact, they did not.

Misbranding of the morphine sulphate tablets, and the atropine sulphate tablets shipped into Massachusetts was alleged for the reason that the statements, "Tablets \* \* \* Atropine Sulphate 1/200 Grain" and "Each tablet contains Morphine Sulphate 1/2 grain," borne on the respective labels, were false and misleading, in that the said statements represented that the tablets each contained 1/200 grain of atropine sulphate, or 1/2 grain of morphine sulphate, as the case might be, whereas the atropine sulphate tablets involved in the said shipment into Massachusetts each contained more than 1/200 grain of atropine sulphate, and the morphine sulphate tablets each contained less than 1/2 grain of morphine sulphate. Misbranding of the remaining shipment of the atropine sulphate tablets was alleged for the reason that the statement, to wit, "Tablets \* \* \* Atropine Sulphate," borne on the label, was false and misleading, in that the said statement represented that the article consisted of tablets composed wholly of atropine sulphate, whereas it consisted of tablets composed in part of codeine, and for the further reason that the article contained codeine, a derivative of morphine, and the label failed to bear a statement of the quantity or proportion of codeine contained therein.

On November 1, 1926, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$2,000.

W. M. JARDINE, *Secretary of Agriculture.*

**14777. Misbranding of tomatoes. U. S. v. William B. Brewer. Plea of guilty. Fine, \$25. (F. & D. No. 19625. I. S. No. 18440-v.)**

On May 8, 1925, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against William B. Brewer, trading as W. B. Brewer, at Hazlehurst, Miss., alleging shipment by said defendant, in violation of the food and drugs act as amended, on or about June 18, 1924, from the State of Mississippi into the State of Ohio, of a quantity of tomatoes in unlabeled crates which were misbranded.

It was alleged in the information that the article was misbranded, in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 2, 1926, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

W. M. JARDINE, *Secretary of Agriculture.*

**14778. Misbranding of butter. U. S. v. Sugar Creek Creamery Co. Plea of guilty. Fine, \$50. (F. & D. No. 19581. I. S. Nos. 16677-v, 16683-v, 18258-v.)**

On May 29, 1925, the United States attorney for the Western District of Kentucky, 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 Sugar Creek Creamery Co., a corporation, trading at Louisville, Ky., alleging