

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 216, FOOD AND DRUGS ACT.

ADULTERATION AND MISBRANDING OF HYDROGEN PEROXIDE.

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906, and of regulation 6 of the rules and regulations for the enforcement of the act, notice is given that on the 14th day of December, 1909, in the United States Circuit Court for the Eastern District of New York, judgment was rendered in the case of the United States *v.* Eimer & Amend, a corporation, of New York City, prosecuted for a violation of the aforesaid act upon an information in substance charging that said defendant filed a guaranty in accordance with the provisions of section 9 of the said act, which is as follows:

Eimer & Amend,
Manufacturers & Importers of
Chemicals and Chemical Apparatus.

NEW YORK, *Nov. 14, 1906.*

The SECRETARY OF AGRICULTURE,
Washington, D. C.

DEAR SIR: We, the undersigned, do hereby guarantee that all the articles of foods or drugs manufactured, packed, distributed or sold by us, including both crude and powdered drugs, alkaloids, chemicals, pharmaceutical preparations, medicinal specialties or proprietary medicines, and any and all articles of foods and drugs as defined by the food and drugs act, June 30, 1906, are not adulterated or misbranded within the meaning of the said act.

Respectfully yours,

EIMER & AMEND.
ROBERT P. AMEND,
Treasurer.

Attest

OTTO P. AMEND, [SEAL.]
Secy.

Sworn to before me this 25th day of November 1906.

[SEAL.]

JACOB B. TOCH.
Notary Public No. 39, N. Y. Co.

which said guaranty received a serial number, to wit, 591; and that thereafter the said Eimer & Amend sold and delivered to the Eastern Drug Company, New York City, a certain drug contained in a bottle

labeled: "Hydrogen Peroxide 1 pint Eimer and Amend, New York. Guaranteed under Food & Drugs Act, etc. No. 591.," which said drug, sold and delivered as aforesaid to the Eastern Drug Company, and afterwards reshipped in its original package by the agent of said company from New York to Boston, Mass., was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of quality and purity therein laid down in this, that it contained acetanilid. The information further charged that the said drug was misbranded in that the container thereof failed to bear a statement of the quantity or proportion of acetanilid contained therein. On December 14, 1909, the defendant pleaded guilty to the information and was fined \$5.

The facts on which the prosecution was based, follow:

On June 8, 1908, an inspector of the United States Department of Agriculture purchased a sample of the drug, labeled as heretofore described, from the Eastern Drug Company, at Boston, Mass., which had been sold and delivered by Eimer & Amend to an agent of said drug company, in New York City, who afterwards reshipped the same to his company at Boston, Mass. The sample was analyzed in the Bureau of Chemistry, United States Department of Agriculture, and found to contain acetanilid. The analysis having disclosed that the said drug was adulterated and misbranded the said Eimer & Amend and the said Eastern Drug Company, were duly notified thereof, given an opportunity to be heard, and were heard in regard to said adulteration and misbranding. The Eastern Drug Company, having established a guaranty from its vendor, and it appearing that there had been a violation of the act, for which Eimer & Amend was responsible, the facts were reported, on April 16, 1909, to the Attorney General. The case was referred to the United States attorney for the Southern District of New York, who filed the above information, with the result hereinbefore stated.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *February 21, 1910.*