

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 390, FOOD AND DRUGS ACT.

ADULTERATION AND MISBRANDING OF POWDERED COLOCYNTH.

On or about July 9, 1908, A. Robinson McIlvaine, trading under the firm name of McIlvaine Brothers, of Philadelphia, Pa., shipped from the State of Pennsylvania to the State of Ohio, a consignment of a drug, each package labeled: "Powd. Colocynth, Trieste, 5 lbs., Guaranty No. 1076, under Pure Food and Drug Act, June 30, 1906, McIlvaine Bros., 1500 Hamilton St., Philadelphia, Pa." Samples of this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as it appeared from the findings of the analyst and report made that the said product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded McIlvaine Brothers, and the dealer from whom the samples were purchased, opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Eastern District of Pennsylvania charging the above shipment and alleging that the product was adulterated, in that it was sold under a name recognized in the United States Pharmacopœia, and differed from the standard of strength, quality and purity as determined by the test laid down in the said United States Pharmacopœia official at the time of the investigation, in this, that the standard as determined by the test laid down in the said Pharmacopœia required that in the preparation of the said colocynth the

seeds should be separated and rejected, whereas, the product consisted of a mixture of the pulp and seeds of colocynth apple, and was misbranded in that it was labeled "Powd. Colocynth," which statement was false and misleading, in that the words "Powd. Colocynth" were calculated to represent that the said product was made from the powdered pulp of the colocynth apple, the seeds having first been rejected, whereas, in fact, the said product had been made from the whole colocynth apple and contained the seeds ground therein.

On March 17, 1910, the defendant entered a plea of non vult contendere and the court imposed a fine of \$10.

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

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *May 23, 1910.*

