

United States Department of Agriculture, OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 754, FOOD AND DRUGS ACT.

ADULTERATION OF BELLADONNA ROOT, POWDERED HENBANE, POWDERED GENTIAN ROOT, AND POWDERED CLOVES-AMBOYNA.

On or about April 3, 1908, J. L. Hopkins & Co., a corporation, shipped from the State of New York into the State of New Jersey a consignment of the following products, labeled, respectively: "Belladonna Root, powdered Atropia, U. S. P. Mfg. by J. L. Hopkins & Co., N. Y., Serial No. 3236"; "Powdered Henbane, U. S. P., Mfg. By J. L. Hopkins & Co., N. Y., Serial No. 3236"; "Powdered Gentian Root, U. S. P., Mfg. by J. L. Hopkins & Co., N. Y., Serial No. 3236"; Powdered Cloves-Amboyna, Mfg. by J. L. Hopkins & Co., N. Y., Serial No. 3236." Samples of the products were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report made indicated that the products were adulterated within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded said J. L. Hopkins & Co. and the dealer from whom the samples were procured 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, together with the evidence upon which to base a prosecution.

In due course a criminal information was filed in the Circuit Court of the United States for the Southern District of New York, charging the above shipment, and alleging that the first of the products above mentioned, to wit, belladonna root, was adulterated in that it was sold under a name recognized in the United States Pharmacopœia, and differed from the standard of strength and purity, as determined by the tests laid down in the United States Pharmacopœia official at the time of the investigation, which does not provide that ground olive pits should be one of the ingredients of belladonna root, whereas in fact the said drug consisted of ground olive pits in the proportion of about one-half. Said information further charged that the powdered henbane was adulterated in that it was sold under a name recognized in the United States Pharmacopœia and differed from the standards of strength, quality, and purity as determined by the tests laid down in the United States Pharmacopœia official at the time of the investigation, because said drug contained *Hyoscyamus muticus*, a dangerous adulterant. Said information further charged that the powdered gentian root 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 tests laid down in the United States Pharmacopœia official at the time of the investigation because said drug contained an unknown ground fiber which does not belong to gentian and which is not one of the ingredients of gentian. Said information further charged that the powdered cloves-amboyna 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 tests laid down in the United States Pharmacopœia official at the time of the investigation because it contained from one-third to one-half clove stalks, which is not provided for by the standard in said United States Pharmacopœia.

On December 13, 1910, J. L. Hopkins & Co. entered a plea of guilty to the above information, whereupon the court imposed a fine of \$400 and filed the following memorandum:

1st Count. Defendant's statement does not deny an adulteration by powdered olive stones. The only explanation given is that the adulterant may have gotten into the finished product by the packing thereof in containers which at some previous time had contained "olive stone meal." It seems to me that this is a far-fetched explanation.

2nd Count. It is not denied that the powdered henbane sold by defendants contained *Hyoscyamus muticus*. The excuse practically is that down to the time of complaint by the governmental officials, the defendants did not know anything at all about the *muticus* variety of henbane; yet it is shown by the government analysis that what is known in the Pharmacopœia as henbane never contains more than one fifth of 1% of alkaloid, while the *muticus* contains from 6 to 15 times as much alkaloid, and of not exactly the same nature. To me it would appear that this ignorance in the face of repeated "assays" is scarcely believable.

3rd Count. Powdered gentian root. This article seems to have been imported in the condition in which it was sold and to have passed the customs and presumably a government analysis. The accusation is that it contains "a certain unknown ground fibre which does not belong to gentian." I am unable to see anything serious in this accusation.

4th Count. Powdered cloves. I understand the defendant's statement to amount to this: That the cloves in question were made from "a good commercial article of cloves as purchased by us in the New York market and ground by us for the trade." Admittedly some stems are found even in medical preparations of cloves. The accusation here is that there was too much stem as evidenced by the stone cells found in the powdered medicament. The Government chemist asserts that the Government by its regulations permits the presence in cloves of "5% of the stalks," which percentage is greatly exceeded in the specimen submitted. It appears to me that the presence of a substantially greater percentage than 5% of ground stalk in the article sold was discoverable and should have been discovered. I do not think that it is an excuse to say that a good commercial article was bought, ground, and sold for medicine.

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

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON D. C., February 4, 1911.