

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2367.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF TINCTURE OF DEODORIZED OPIUM.

On November 15, 1912, the United States Attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Flint, Eaton & Co., a corporation, Decatur, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on November 9, 1911, from the State of Illinois into the State of Indiana, of a quantity of tincture of deodorized opium which was adulterated and misbranded. The product was labeled: "Tinct. Opium Deodorized. Alcohol 25 per cent. Opium strength U. S. P. . Dose, 5 to 20 min. No. 1488. Guaranteed under the Food and Drugs Act June 30, 1906. Flint, Eaton & Co., Manufacturing Chemists, Decatur, Illinois (in corners, monogram, FE&Co.)"

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Morphin (gram per 100 cc), 0.917; alcohol (per cent by volume), 40.44. Adulteration of the product was alleged in the information for the reason that it was sold and shipped under and by a name recognized in the United States Pharmacopœia, to wit, under the name of tincture of deodorized opium, the standard of which at that time, as specified in said Pharmacopœia, being that 100 cc of the tincture of deodorized opium should yield not less than 1.2 grams nor more than 1.25 grams of crystallized morphin, whereas said product at the time of shipment differed from the standard of strength of tincture of deodorized opium as determined by the tests laid down in said Pharmacopœia official at the time of investigation, in that it contained crystallized

morphin per 100 cc, to wit, 0.917 gram, it being deficient in morphin, and the bottle containing said product at the time of shipment did not have the standard of strength plainly stated thereon. Misbranding was alleged for the further reason that the product contained opium and morphin, and the package containing it failed to bear a statement on the label of the quantity or proportion of morphin or opium contained therein, and for the further reason that the statement "Alcohol 25 per cent" borne on the label was false and misleading because it created the impression that the product contained 25 per cent alcohol, when, in truth and in fact, it contained a greater amount of alcohol, to wit, 40.44 per cent.

On December 17, 1912, the defendant company entered a plea of nolo contendere to the information and the court imposed a fine of \$10 and costs.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 3, 1913.*

2367

