

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2540.

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

U. S. v. Ungerer & Co. (Inc.). Plea of guilty. Fine, \$10.

ADULTERATION AND MISBRANDING OF OIL OF CASSIA.

On March 5, 1913, the United States Attorney for the Southern 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 Ungerer & Co. (Inc.), a corporation, New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, on March 1, 1912, from the State of New York into the State of Texas of a quantity of oil of cassia which was adulterated and misbranded. The product was labeled: "Oil of cassia 75-80 per cent. Cin. Ald. Ungerer & Co., New York, Technical Guaranteed by Ungerer & Co. under Food & Drugs Act of June 30, 1906. Serial No. 521. 1 lb."

An analysis of a sample of the product made by the Bureau of Chemistry of this Department showed the following results: Specific gravity at 25° C., 1.0579; refractive index at 20° C., 1.5978; optical rotation 100 mm 20° C., +5.41°; soluble in 2 volumes of 70 per cent alcohol; resins present (large amount); copper acetate test, positive; lead acetate test, positive; lead present (large amount); cinnamic aldehyde (by absorption) (per cent), 69.5. Oil is not U. S. P. High rotation. Lead and resins or resin present. Adulteration of the product was alleged in the information for the reason that it was sold under and by a name recognized in the United States Pharmacopœia, to wit, oil of cassia, and it differed from the standard of strength, quality, and purity as determined by the test laid down in

said Pharmacopœia official at the time of said shipment and investigation, in that the specific gravity of said drug at 25° C. was above 1.055, and was in fact 1.058, whereas said Pharmacopœia provides as a test for oil of cassia that a specific gravity at 25° C. shall be between 1.045 and 1.055; and further, in that the rotation of said drug was more than 1° and was in fact 5.4°, whereas the said Pharmacopœia provides that the rotation of said drug shall not be more than 1°, and said drug contained less than 75 per cent by volume of cinnamic aldehyde, and in fact contained 69.5 per cent, whereas said Pharmacopœia provides that oil of cassia shall contain not less than 75 per cent by volume of cinnamic aldehyde; and further in that said drug contained lead and resin, which are not ingredients of oil of cassia as determined by the test laid down in said Pharmacopœia. Adulteration of the product was alleged for the further reason that other substances, to wit, resin and lead, were mixed and packed therewith in such a manner as to reduce, lower, and injuriously affect its quality and strength; and further in that other substances, to wit, resin and lead, had been substituted in part for the genuine article, oil of cassia, and in that the product contained an added poisonous and deleterious ingredient which might render it injurious to health, to wit, lead. Misbranding was alleged for the reason that the product was labeled as set forth above, so as to deceive and mislead the purchaser thereof, in that said label would indicate that said drug was true oil of cassia, whereas, in truth and in fact, the said drug was crude oil of cassia containing added resin and lead, and in that the label would indicate that said drug contained between 75 per cent and 80 per cent of cinnamic aldehyde, whereas, in truth and in fact, it contained only 69.5 per cent cinnamic aldehyde.

On March 17, 1913, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$10.

B. T. GALLOWAY,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *August 26, 1913.*

