

the State of New York into the State of South Carolina, of a quantity of henbane herb which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was deficient in alkaloids and contained an excessive amount of ash.

Adulteration of the article was alleged in the information for the reason that it was sold under and by a name recognized in the United States Pharmacopœia, and differed from the standard of strength, quality, and purity as determined by tests laid down in said Pharmacopœia, official at the time of the investigation, in that the said Pharmacopœia provided that henbane herb should yield not less than 0.065 per cent of alkaloids of hyoscyamus and should yield not more than 30 per cent of ash, whereas the said article yielded 0.032 per cent of alkaloids of hyoscyamus and 39.71 per cent of ash, and the standard of the strength, quality, and purity of the said article was not declared on the container thereof.

Misbranding was alleged for the reason that the statements, to wit, "Henbane Herb U. S. P. 27.7% Ash \* \* \* 0.0735 per cent of mydriatic alkaloids," borne on the label attached to the box containing the said article, regarding the article and the ingredients and substances contained therein, were false and misleading in that they represented that the said article was henbane herb which conformed to the standard as laid down in the United States Pharmacopœia, that it contained not more than 27.7 per cent of ash and not less than 0.0735 per cent of mydriatic alkaloids, and for the further reason that the strength and purity of the said article fell below the professed standard and quality under which it was sold in that it was sold as henbane herb which conformed to the standard as laid down in the United States Pharmacopœia and as an article which contained 27.7 per cent of ash and 0.0735 per cent of mydriatic alkaloids, whereas, in truth and in fact, it did not conform to the standard as laid down in the United States Pharmacopœia and contained more than 27.7 per cent of ash and less than 0.0735 per cent of mydriatic alkaloids.

On January 17, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

C. W. PUGSLEY,

*Acting Secretary of Agriculture.*

**9456. Adulteration of tomato pulp. U. S. \* \* \* v. 99 Cases of Tomato Pulp \* \* \*. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 12497. I. S. No. 8599-r. S. No. C-1933.)

On May 14, 1920, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 99 cases, more or less, each containing six cans of tomato pulp, remaining unsold in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped on or about April 1, 1920, by the Morgan Packing Co., Austin, Ind., and transported from the State of Indiana into the State of Wisconsin, and charging adulteration in violation of the Food and Drugs Act. Each of the cans was labeled in part: "Leota Brand Tomato Pulp \* \* \* Leota Canning Co., Leota, Ind."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy and decomposed vegetable substance.

On August 12, 1920, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY,

*Acting Secretary of Agriculture.*