

**14318. Adulteration and alleged misbranding of ether. U. S. v. 20 Cases of Ether. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21088. I. S. No. 10555-x. S. No. W-1979.)**

On May 19, 1926, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 20 cases, each containing 50 ½-pound cans of ether, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped from Chicago, Ill., April 2, 1926, and transported from the State of Illinois into the State of California, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "One-Half Pound Ether Alcohol about 1% For Anesthesia Poison. Supplied By The Upjohn Company \* \* \* Kalamazoo, Mich."

Analysis by the Bureau of Chemistry of this department of a sample of the article showed that it contained peroxide.

Adulteration of the article was alleged in the libel for the reason that it contained peroxide and for the further reason that it was sold under a name recognized in the United States Pharmacopœia and differed from the standard prescribed by the said pharmacopœia, and in that it fell below the professed standard under which it was sold.

Misbranding was alleged for the reason that the statements borne on the label "Ether \* \* \* For Anesthesia" were false and misleading.

On June 17, 1926, the Upjohn Co., San Francisco, Calif., having appeared as claimant for the property and having consented to the entry of a decree, judgment was entered, finding the product adulterated and ordering its condemnation and forfeiture, and it was further ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$350, conditioned in part that it be made to conform with the law under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

**14319. Misbranding of candy. U. S. v. Mueller-Keller Candy Co. Plea of guilty. Fine, \$25. (F. & D. No. 19307. I. S. Nos. 12204-v, 20018-v, 20626-v.)**

On February 16, 1926, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Mueller-Keller Candy Co., a corporation, St. Joseph, Mo., alleging shipment by said company, in violation of the food and drugs act as amended, in various consignments, namely, on or about February 6, 1924, from the State of Missouri into the State of New Mexico, and on or about April 30, 1924, from the State of Missouri into the State of Colorado, of quantities of candy which was misbranded. The article was labeled, variously: "Mueller Keller's Nutty Taffy Net Weight 1¾ Oz. Mueller-Keller Candy Co. St. Joseph Mo.," "Mueller-Keller's Apricot Tarts Net Weight 2 Ozs.," "Mueller-Keller's Big Ben Net Weight—2¼ Oz. Mueller Keller Candy Co. St. Louis, Mo."

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Net Weight 1¾ Oz.," "Net Weight 2 Ozs.," and "Net Weight—2¼ Oz.," as the case might be, borne on the labels, were false and misleading, in that the said statements represented that the packages each contained the amount of the said article declared thereon, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said packages each contained the amount of the article declared on the label, whereas each of said packages did not contain the amount of the product so represented but did contain a less amount.

On March 2, 1926, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

W. M. JARDINE, *Secretary of Agriculture.*

**14320. Adulteration of butter. U. S. v. 20 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21132. I. S. Nos. 895-x, 10832-x. S. No. W-1977.)**

On May 11, 1926, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying

seizure and condemnation of 20 cubes of butter, remaining in the original unbroken packages in said district, alleging that the article had been shipped by E. W. Ellis, in interstate commerce from Portland, Oreg., to San Francisco, Calif., on or about May 6, 1926, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Mutual Cry. Co. San Francisco, Calif. S86 E. W. Ellis 277 Portland Ore."

Adulteration of the article was alleged in the libel for the reason that a substance deficient in milk fat had been substituted wholly or in part for the said article.

On May 25, 1926, the Mutual Creamery Co., San Francisco, Calif., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$600, conditioned that it be brought into conformity with the law under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

**14321. Adulteration and misbranding of morphine sulphate tablets, codeine sulphate tablets, strychnine sulphate tablets, and tincture nux vomica. U. S. v. Tailby-Nason Co. Plea of nolo contendere. Fine, \$125 on misbranding counts. Adulteration counts placed on file. (F. & D. No. 19639. I. S. Nos. 2066-v, 2819-v, 2821-v, 2825-v, 13951-v.)**

On June 9, 1925, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Tailby-Nason Co., a corporation, trading at Boston, Mass., alleging shipment by said company, in violation of the food and drugs act, from the State of Massachusetts, on or about September 29, 1923, into the State of Pennsylvania, of a quantity of codeine sulphate tablets and strychnine sulphate tablets; on or about September 29, 1923, into the State of New Jersey, of a quantity of morphine sulphate tablets; on or about October 29, 1923, into the State of New York, of a quantity of morphine sulphate tablets; and on or about September 3, 1924, into the State of Connecticut, of a quantity of tincture nux vomica, all of which were adulterated and misbranded. The articles were labeled, variously: "Tablets Morphine Sulphate Each tablet contains Morphine Sulphate 1-4 gr. Opium Derivative. Tailby-Nason Company Boston"; "Tablets Codeine Sulphate 1-4 Gr."; "Tablets Strychnine Sulphate 1-50 Gr."; "Tincture Nox Vomica U. S. P."

Analysis by the Bureau of Chemistry of this department of samples of the articles showed that the two lots of morphine sulphate tablets contained 0.221 grain and 0.222 grain of morphine sulphate, respectively, per tablet; the codeine sulphate tablets contained 0.22 grain of codeine sulphate each; the strychnine sulphate tablets contained 0.023 grain of strychnine sulphate each; and the tincture nux vomica yielded 0.179 gram of the alkaloids of nux vomica per 100 mils.

Adulteration of the morphine sulphate tablets, codeine sulphate tablets, and strychnine sulphate tablets was alleged in the information for the reason that their strength and purity fell below the professed standard and quality under which they were sold, in that the labels represented that the said tablets each contained  $\frac{1}{4}$  grain of morphine sulphate,  $\frac{1}{4}$  grain of codeine sulphate or  $\frac{1}{50}$  grain of strychnine sulphate, as the case might be, whereas each of said morphine sulphate tablets and codeine sulphate tablets contained less of the product than represented on the label thereof, and each of said strychnine sulphate tablets contained a greater amount of strychnine sulphate than represented.

Adulteration of the tincture nux vomica was alleged 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 the test laid down in said pharmacopœia, official at the time of investigation, in that it yielded less than 0.237 gram of the alkaloids of nux vomica per 100 mils, namely, not more than 0.179 gram of the alkaloids of nux vomica per 100 mils, whereas said pharmacopœia provided that tincture nux vomica should yield not less than 0.237 gram of the alkaloids of nux vomica per 100 mils, and the standard of strength, quality, and purity of the article was not declared on the container thereof.