

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 337, FOOD AND DRUGS ACT.

ADULTERATION AND MISBRANDING OF TURPENTINE.

On or about February 27, 1909, Jacob Frank, Charles Frank, and Emil Frank, trading under the firm name of the Frank Tea & Spice Company, of Cincinnati, Ohio, shipped from the State of Ohio to the Territory of Arizona a consignment of a drug product labeled "Strictly Pure Turpentine, Packed by the Frank Tea & Spice Co., Cincinnati, Ohio, Dove Brand Turpentine, Frank Tea & Spice Company, Cincinnati." Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as it appeared from the findings of the analyst and report made that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the Frank Tea & Spice Company, and the dealer from whom the samples were purchased, 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, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Southern District of Ohio charging the above shipment and alleging that the product was adulterated, in that it was sold under a name recognized in the United States Pharmacopœia and the National Formulary and differed from the standard of strength, quality, and purity as determined by the test laid down therein official at the time of investigation, in that it contained 4.8 per cent of mineral oil, which is not a constituent of turpentine as determined by the said test, and did not state its own standard of strength, quality, or purity on the label; and was misbranded, in that it was labeled "Strictly Pure Turpentine," which

statement was false, misleading, and deceptive, and tended to deceive and mislead the purchaser into the belief that he was procuring an article of the recognized standard strength, whereas, in fact, the product was not of the recognized standard strength as determined by the test laid down in the United States Pharmacopœia and National Formulary.

On February 26, 1910, the defendant entered a plea of guilty and the court imposed a fine of \$10.

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

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *May 12, 1910.*

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