

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 571, FOOD AND DRUGS ACT.

ADULTERATION AND MISBRANDING OF A DRUG—"SOEMNOFORM."

On or about March 31, 1909, Jacob F. Frantz, George H. Whiteley, Dean C. Osborne, and John R. Sheppard, trading as E. DeTrey & Sons, Philadelphia, Pa., shipped from the State of Pennsylvania to the District of Columbia a consignment of a drug product labeled: "Soemnoform. This mixture contains chloride of ethyl 60%, chloride of methyl 35%, bromide of ethyl 5% Guaranteed under the Food and Drugs Act of June 30, 1906 Serial No. 5700 * * *."

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 thereon 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 said E. DeTrey & Sons and the party from whom the samples were procured 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 Eastern District of Pennsylvania against the said E. DeTrey & Sons, charging the above shipment and alleging that the product so shipped was adulterated, in that it did not contain, as part of its composition, "Bromide of ethyl 5%," nor, in fact, any bromide of ethyl, whereby its strength fell below the professed standard of quality under which it was sold; and alleging that the product was misbranded, in that the label above set forth was false and misleading, because it represented that the product contained "bromide of ethyl 5%," whereas, in truth and in fact, the said drug did not contain any bromide of ethyl.

On March 17, 1910, the defendants entered a plea of guilty and the court imposed a fine of \$25.

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

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *August 20, 1910.*

