

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 871, FOOD AND DRUGS ACT.

ADULTERATION AND MISBRANDING OF A FOOD PRODUCT AND TWO DRUG PRODUCTS—"GROUND TURMERIC," "BELLADONNA LEAVES," AND "SENNA ALEX. LEAVES."

On or about October 8, 1909, Joseph A. Peek and Joseph H. Velsor, trading as Peek & Velsor, New York City, shipped from the State of New York into the State of California a quantity of a food product labeled: "Grd. Turmeric. *Curcuma longa*, Peek & Velsor, New York. U. S. Serial No. 2092. Guaranteed under the Food and Drugs Act, June 30, 1906," and two drug products, labeled, respectively: "Belladonna Leaves, Peek & Velsor, New York. *Atropa Belladonna*. Poison. U. S. Serial No. 2092. Guaranteed under the Food and Drugs Act, June 30, 1906," and "Senna Alex. Leaves. Peek & Velsor. *Cassia. Acutifolia*. New York. Grd. U. S. Serial No. 2092. Guaranteed under the Food and Drugs Act, June 30, 1906." Samples of these three products were procured from this shipment and analyzed by the Bureau of Chemistry, United States Department of Agriculture. The "Grd. Turmeric" was found to contain turmeric, with a small amount (5 or 6 per cent) of arrowroot starch, and some unknown (cereal) flour, with 15.17 per cent ash and 9.6 per cent calcium sulphate; the "Belladonna Leaves" were found to consist in part of some unidentifiable leaf (rigid, conical, curved, single-celled trichomes), and to contain mydriatic alkaloids 0.06 per cent, water insoluble ash 15.34 per cent, and acid insoluble ash 4.75 per cent; and the "Senna Alex. Leaves" were found to contain sand and small pebbles, with numerous insect parasites and their larvæ, and a considerable number of stems, with ash 38.64 per cent and acid insoluble ash 28.72 per cent. As the findings of the analyst and reports thereon indicated that the products were adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the said Joseph A. Peek and Joseph H. Velsor and the parties from whom the samples were procured were afforded opportunities for hearings.

As it appeared after hearings held that 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 three criminal informations were filed in the Circuit Court of the United States for the Southern District of New York against the said Joseph A. Peek and Joseph H. Velsor, one for each of the above products, charging the above shipment and alleging that the first of the above mentioned products (ground turmeric) was adulterated in that arrowroot starch and calcium sulphate had been mixed therewith so as to reduce, lower, and injuriously affect its quality and strength, and that it had been misbranded in that it was labeled so as to deceive and mislead the purchaser into the belief that the product was turmeric, when in truth and in fact it was a mixture of ground turmeric and foreign material; alleging that the second of said products (belladonna leaves) was adulterated in that it was sold under and by a name recognized in the United States Pharmacopœia or National Formulary and differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia or National Formulary official at the time of investigation, and that the product was misbranded in that it was labeled so as to deceive and mislead the purchaser into the belief that the product consisted of belladonna leaves when in truth and in fact it was a mixture of belladonna leaves and unidentified foreign leaves; and alleging that the third of said products (senna alex. leaves) was adulterated for the same reason as the preceding product, and that it was misbranded in that it was labeled so as to deceive and mislead the purchaser into the belief that the product consisted of senna alex. leaves, when in truth and in fact it was a mixture of senna and a foreign material.

The above causes coming on for hearing, the defendants entered pleas of guilty to the above informations, whereupon the court suspended sentence.

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 8, 1911.*