F. & D. No. 3547.
I. S. Nos. 11211–d, 11216–d, 11220–d, 11224–d, 11226–d, 11227–d, 11228–d, 11229–d, 11215–d. Issued December 17, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1810.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF ACETPHENETIDIN TABLETS; TRITURATES ALOIN, IRON, AND STRYCHNINE; TABLETS FERRUGINOUS BLAUD'S AND NUX VOMICA; TABLETS FLATULENCE; NITROGLYCERIN TABLETS; TABLETS EXTRACT NUX VOMICA; SALOL TABLETS; TABLETS STRYCHNINE NITRATE; TABLETS ALOIN, BELLADONNA, AND NUX VOMICA.

At the May, 1912, term of the District Court of the United States for the District of Indiana, the grand jurors of the United States within and for said district returned an indictment against the McCoy-Howe Co., a corporation, Indianapolis, Ind., charging shipment by said company, in violation of the Food and Drugs Act, on July 26, 1911, from the State of Indiana into the State of Michigan—

(1) Of a quantity of acetphenetidin, in tablet form, which was adulterated and misbranded. The product was labeled: "500 Tablets 10152 Acetphenetidin. 3 grains. McCoy-Howe Co., Manufacturing Chemists, Indianapolis, Ind. No. 856. Guaranteed by McCoy, Howe Co., under the Food and Drugs Act, June 30, 1906." Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: 10 tablets weighed 2.4712 grams; (1) acetphenetidin not more than 61.26 per cent; (2) acetphenetidin not more than 60.39 per cent; (3) acetphenetidin not more than 60.59 per cent; average acetphenetidin not more than 2.31 grains per tablet. Adulteration was charged in the indictment for the reason that the strength of the product fell below the professed standard under which it was sold; said standard under which it was sold and offered for sale was "Acetphenetidin, 3 grains," as declared on the label, whereas in truth and in fact the tablets did not contain 3 grains of acetphenetidin per tablet, but contained a much less amount, to wit, 2.31 grains. Misbranding was alleged for

the reason that the statement "500 Tablets Acetphenetidin. 3 grains," printed and apparent upon the label regarding the product was false and misleading in that it conveyed the impression that each tablet contained 3 grains of acetphenetidin, whereas in truth and in fact each tablet did not contain 3 grains acetphenetidin, but a much less amount, to wit, 2.31 grains.

(2) Of a quantity of aloin, iron, and strychnine tablets which were adulterated and misbranded. The product was labeled: "Tablet Triturates Aloin, Iron and Strychnine. Each tablet contains Aloin 1-10 gr. Reduced Iron 1 gr. Strychnine sulph. 1-60 gr. McCoy-Howe Co. Chemists, Manufacturing Indianapolis, Ind. 1,000." Analysis of a sample of this product by the Bureau of Chemistry of this Department showed the following results: Strychnine sulphate per tablet, one one-hundred-and-third of a grain; metallic iron per tablet, eighty-six one-hundredths of a grain. Adulteration was charged in the indictment for the reason that the strength of the product fell below the professed standard under which it was sold and offered for sale. Said standard under which it was sold and offered for sale was strychnine sulphate one-sixtieth grain per tablet, as declared on the label, whereas in truth and in fact the tablets did not contain one-sixtieth grain strychnine sulphate per tablet, but contained a much less amount, to wit, 0.001 grain strychnine sulphate per tablet. Misbranding was alleged for the reason that the statement, "Strychnine sulph. 1-60 gr.," printed and apparent on the label regarding the product, was false and misleading in that it conveyed the impression that each tablet contained one-sixtieth grain of strychnine sulphate, whereas in truth and in fact the product did not contain one-sixtieth grain strychnine sulphate per tablet, but a much less amount, to wit, 0.001 grain of strychnine sulphate. It will be noted that while the indictment charged that there was but 0.001 grain of strychnine sulphate per tablet, the analysis shows that there was 1/103 grain of strychnine sulphate per tablet.

(3) Of a quantity of tablets ferruginous Blaud's and nux vomica, which were adulterated and misbranded. The product was labeled: "1,000 Tablets Ferruginous Blaud's and Nux Vomica. Blaud's mass, 3 grs. Ext. Nux Vomica, 1-6 gr. 9323. One to 2 before meals for chlorosis and loss of appetite. McCoy-Howe Co. Manufacturing Chemists, Indianapolis, Ind. Guarantee No. 856. Guaranteed under the Food and Drugs Act, June 30, 1906." Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Nux vomica extract, per tablet, one-sixteenth grain. Adulteration was charged in the indictment for the reason that the strength of the product fell below the professed standard under which it was sold. Said standard under

which it was sold was one-sixth grain extract of nux vomica per tablet, as declared on the label, whereas in truth and in fact the tablets did not contain one-sixth grain extract nux vomica, but contained a much less amount, to wit, one-sixteenth grain extract nux vomica per tablet. Misbranding was charged for the reason that the statement "1-6 gr. Extract Nux Vomica" printed and apparent upon the label regarding the product was false and misleading in that it conveyed the impression that each tablet contained one-sixth grain extract nux vomica, whereas in truth and in fact the product did not contain one-sixth grain extract nux vomica per tablet, but a much less amount, to wit, one-sixteenth grain extract nux vomica per tablet.

(4) Of a consignment of tablets flatulence which were adulterated and misbranded. The product was labeled: "500 Tablets Flatulence (S. C. Yellow.) Ext. Nux Vomica, 1–4 gr. Ext. Cascara Sagrada, 1 gr. Ginger, 3–4 gr. Asafoetida, 1 gr. Diastase, 1–20 gr. Capsicum, 1–8 gr. Dose—1 tablet every hour for two doses, then every three hours as required. McCoy, Howe Co. Manufacturing Chemists, Indianapolis, Ind. No. 856. Guaranteed by McCoy, Howe Co. under the food and drugs act, June 30, 1906." Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Nux vomica extract about one-eighth grain per tablet. Adulteration of the product was charged in the indictment for the reason that its strength fell below the professed standard under which it was sold. Said standard under which it was sold was one-fourth grain extract of nux vomica per tablet as declared on the label, whereas in truth and in fact the tablets did not contain one-fourth grain nux vomica per tablet, but contained a much less amount, to wit, one-eighth grain nux vomica per tablet. Misbranding was alleged for the reason that the statement "Extract Nux Vomica 1–4 gr." printed and apparent upon the label regarding the product was false and misleading in this, that it conveyed the impression that each tablet contained one-fourth grain extract of nux vomica, whereas in truth and in fact each tablet did not contain one-fourth grain extract nux vomica, but a much less amount, to wit, one-eighth grain extract of nux vomica.

(5) Of a quantity of tablet triturates nitroglycerin which were adulterated and misbranded. The product was labeled: "1,000 Tablet Triturates Nitroglycerin. 8432. 1–50 Grain. McCoy, Howe Co. Manufacturing Chemists, Indianapolis, Ind. Guarantee No. 856. Guaranteed under the Food and drugs act, June 30, 1906." Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Nitroglycerin per tablet, 0.008 grain. Adulteration of the product was charged in the indictment for the reason that its strength fell below the professed stand-

ard under which it was sold. Said standard under which it was sold was one-fiftieth grain nitroglycerin per tablet, as declared upon the label, whereas in truth and in fact the tablets did not contain one-fiftieth grain nitroglycerin, but contained a much less amount, to wit, 0.008 grain per tablet. Misbranding was charged for the reason that the statement "1–50 Grain Nitroglycerin" printed and apparent upon the label regarding the product, was false and misleading, in that it conveyed the impression that each tablet contained one-fiftieth grain nitroglycerin, whereas, in truth and in fact each tablet did not contain one-fiftieth grain nitroglycerin, but a much less amount, to wit, 0.008 grain nitroglycerin.

(6) Of a quantity of tablet triturates extract nux vomica which were adulterated and misbranded. The product was labeled: "1,000 Extract Nux Vomica. 1–4 Grain. Tablet Triturates. McCoy, Howe Co. Manufacturing Chemists, Indianapolis. No. 856. Guaranteed by McCoy, Howe Co. under the food and drugs act, June 30, 1906." Analysis of a sample of this product by the Bureau of Chemistry of this Department showed the following results: Nux vomica extract, about one seventy-fifth grain per tablet. Adulteration of the product was charged in the indictment for the reason that its strength fell below the professed standard under which it was sold. Said standard under which it was sold was one-fourth grain extract nux vomica, as declared on the label, whereas in truth and in fact the tablets did not contain one-fourth grain nux vomica, but contained a much less amount, to wit, one-fiftieth grain extract nux vomica per tablet. Misbranding was charged for the reason that the statement "1–4 Gr. Extract Nux Vomica" printed and apparent on the label regarding the product was false and misleading in that it conveyed the impression that each tablet contained one-fourth grain nux vomica, whereas in truth and in fact each tablet did not contain one-fourth grain extract nux vomica but a much less amount, to wit, one-fiftieth grain nux vomica. It will be noted that while the indictment charged that there was but one-fiftieth grain nux vomica per tablet the analysis showed that there was but one seventy-fifth grain nux vomica per tablet.

(7) Of a quantity of salol tablets which were adulterated and misbranded. The product was labeled: "500 Tablets Salol. 2½ Grains McCoy, Howe Co. Manufacturing Chemists, Indianapolis, I. No. 856. Guaranteed by McCoy, Howe Co. under the food and drugs act, June 30, 1906." Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: 10 tablets weighed 1.8895 grams; (a) salol not more than 61.73 per cent; (b) salol not more than 61.94 per cent; average salol not more than 1.80 grains per tablet; average shortage, 28 per cent. Adulteration of the product was charged in the indictment for the

reason that its strength fell below the professed standard under which it was sold. Said standard under which it was sold was 2½ grains of salol, as declared on the label, whereas in truth and in fact the tablets did not contain 2½ grains of salol, but contained a much less amount, to wit, one-eighth grain of salol per tablet. Misbranding was charged for the reason that the statement "Salol, 2½ Grains" printed and apparent on the label regarding the product was false and misleading in that it conveyed the impression that each tablet contained 2½ grains of salol, whereas in truth and in fact each tablet did not contain 2½ grains of salol but a much less amount, to wit, 1.80 grains of salol. It will be noted that while the indictment charged adulteration of the product because each tablet contained one-eighth grain of salol, the analysis showed that the average amount of salol per tablet was not more than 1.80 grains.

(8) Of a quantity of tablet triturates strychnine nitrate which were adulterated and misbranded. The product was labeled "1000 Tablet Triturates Strychnine Nitrate 1–40 Grain. McCoy, Howe Co. Indianapolis. Guarantee No. 856. Guaranteed under the food and drugs Act, June 30, 1906." Analysis of a sample of this product by the Bureau of Chemistry of this Department showed the following results: Strychnine nitrate, per tablet, one forty-ninth grain. Adulteration of the product was charged in the indictment because its strength fell below the professed standard under which it was sold. Said standard under which it was sold was strychnine nitrate one-fortieth grain, as declared upon the label, whereas in truth and in fact the tablets did not contain one-fortieth grain strychnine nitrate per tablet, but contained a much less amount, to wit, one-fiftieth grain per tablet. Misbranding was alleged for the reason that the statement "Strychnine Nitrate 1–40 Grain" printed and apparent upon the label regarding the product was false and misleading in that it conveyed the impression that each tablet contained one-fortieth grain of strychnine nitrate per tablet, whereas in truth and in fact the product did not contain one-fortieth grain of strychnine nitrate per tablet, but a much less amount, to wit, one-fiftieth grain per tablet. It will be noted that while the indictment charged that each tablet contained but one-fiftieth grain of strychnine nitrate, the analysis showed that there was one forty-ninth grain of strychnine nitrate per tablet.

(9) Of a quantity of tablets aloin. belladonna, and nux vomica which were adulterated and misbranded. The product was labeled: "1000 Tablets Aloin, Belladonna and Nux Vomica. Aloin, 1–5 gr. Ext. Belladonna, 1–8 gr. Ext. Nux Vomica, 1–8 gr. Dose—1 to 2 tablets, night and morning as a laxative. McCoy, Howe Co. Manufacturing Chemists Indianapolis, Ind. No. 856. Guaranteed by McCoy, Howe Co. under the food and drugs act, June 30, 1906." Analysis of

a sample of the product by the Bureau of Chemistry of this Department showed the following results: Extract belladonna one-fourth grain per tablet; extract nux vomica one-fortieth grain per tablet. Adulteration of the product was charged in the indictment for the reason that its strength fell below the professed standard under which it was sold. Said standard under which it was sold was extract nux vomica one-eighth grain, as declared on the label, whereas in truth and in fact the tablet did not contain one-eighth grain extract of nux vomica, but contained a much less amount, to wit, one-fortieth grain of nux vomica per tablet. Misbranding was alleged for the reason that the statement "Extract Nux Vomica 1–8 Grain" printed and apparent on the label regarding the product was false and misleading in that it conveyed the impression that each tablet contained one-eighth grain extract of nux vomica per tablet, whereas in truth and in fact the product did not contain one-eighth grain extract nux vomica per tablet, but a much less amount, to wit, one-fortieth grain extract of nux vomica per tablet.

On May 28, 1912, the defendant company entered a plea of guilty to the indictment and the court imposed a fine of $200 and costs.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *October 14, 1912.*

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