

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1850.

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

ADULTERATION AND MISBRANDING OF SO-CALLED WITCH-HAZEL.

On March 13, 1912, the United States Attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of three barrels, each containing about 52 gallons of so-called double distilled witch-hazel, otherwise known as hamamelis water, remaining unsold in the original unbroken packages and in possession of Styron, Beggs, & Co., Newark, Ohio, alleging that the product had been shipped from the State of Pennsylvania into the State of Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was invoiced as "Double distilled Witch-hazel * * Witch-Hazel * * fifteen percent grain alcohol, U. S. P. The above shipment consists of strictly pure U. S. P. Witch-Hazel, contains fifteen per cent grain alcohol and is guaranteed under the Food and Drugs Act June 30, 1906. Tunkhannock Dis. Co. per J. A. Gordon, Mgr."

Adulteration of the product was charged in the libel for the reason that it was sold and offered for sale under and by a name, to wit, "witch-hazel," synonymous with "hamamelis", recognized in the United States Pharmacopœia and the National Formulary and it differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia and National Formulary official at the time of the investigation of said product, in that the product contained no more than 12 per cent by volume of alcohol, whereas the product, as determined by the test laid down in said Pharmacopœia and National Formulary should have contained not less than 15 per cent by volume of alcohol. Misbranding

was alleged for the reason that the product contained between 11 and 12 per cent by volume of alcohol, and the barrels containing the product failed to bear a statement on a label thereon of the quantity or proportion of the alcohol contained in the product.

On June 11, 1912, Styron, Beggs & Co., as agents for the Tunkhannock Distilling Co., Tunkhannock, Pa., claimant, having filed their answer consenting to a decree and admitting the allegations of the libel, judgment of condemnation and forfeiture was entered and it was further ordered that upon payment of the costs of the proceeding, amounting to \$37.61, by said claimant, and the execution of bond in the sum of \$200, in conformity with section 10 of the Act, the product should be released and restored to said claimant.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *October 25, 1912.*