

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2090.

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

ADULTERATION AND MISBRANDING OF POWDERED STRAMONIUM LEAVES.

On May 3, 1911, the United States Attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Murray & Nickell Manufacturing Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on October 4, 1909, from the State of Illinois into the State of California, of a quantity of powdered stramonium leaves which were adulterated and misbranded. The product was labeled: "1 Lb. No. 60 Powdered Stramonium Leaves Poison 11008 Datura Stramonium Assay. .25 Guaranteed under the Food & Drugs Act June 30, 1906. Serial Number 1859. Murray & Nickell Mfg. Co. Drug Importers Millers Chicago."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Mydriatic alkaloids, (a) 0.11 per cent; (b) 0.126 per cent; (c) 0.114 per cent; ash, 21.76 per cent; 22.12 per cent; water-insoluble ash, 16.96 per cent; acid-insoluble ash, 8.08 per cent. Adulteration of the product was alleged in the information for the reason that it was sold by a name recognized in the United States Pharmacopœia, and differed from the standard of strength for said article as determined by the test laid down in said United States Pharmacopœia official at the time of shipment, in that the standard of strength in mydriatic alkaloids determined and laid down by said Pharmacopœia required that the product should contain not less than 0.25 per cent of such mydriatic alkaloids, whereas it contained less than 0.25 per cent of such mydriatic alkaloids, to wit, 0.126 per cent of such mydriatic alkaloids, and the standard of purity of the product was not stated upon the containers thereof. Misbranding was alleged for the reason that the product bore the label set forth above, which said label was a statement, design, and device regarding the article and the ingredients and substances contained therein which was false and misleading, in that the label purported to

state that the product, to wit, powdered stramonium leaves, assayed 0.25 per cent of mydriatic alkaloids, whereas, in truth and in fact, it did not assay 0.25 per cent but assayed a much less per cent, to wit, 0.126 per cent of mydriatic alkaloids.

On February 1, 1912, the case having come on for trial before the court and a jury, a verdict of guilty was rendered by the jury and on February 26, 1912, the court imposed a fine of \$50 and costs.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *December 9, 1912.*

