

**4503. Misbranding of "Terraline." U. S. v. The Hillside Chemical Co., a corporation. Plea of guilty. Fine, \$25. (F. & D. No. 6641. I. S. Nos. 7921-e, 7922-e.)**

On October 13, 1915, the United States attorney for the Southern District of New York, 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 Hillside Chemical Co., a corporation, Newburgh, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, through an agent, on January 5, 1913, from the State of New York into the State of Ohio, of quantities of "Terraline Plain" and "Terraline with Heroin," which were misbranded. The "Plain Terraline" was labeled: (On bottle) "Terraline Petroleum Purificatum (Plain) Indicated in Phthisis, Coughs, Colds, Asthma, La Grippe, Hoarseness, and All Diseases of the Throat and Lungs, and for General Debility. Terraline is medicinally pure Petroleum, free from taste and odor and easily digested. Preferable to cod liver oil. In the croupy coughs of children, and in croup itself, it is prescribed with the greatest benefit. Directions—Dose, one to two teaspoonfuls three or four times daily, children in like proportion. It may be taken plain or in milk, coffee, wine, or any other vehicle. Guaranteed under the Food and Drugs Act, June 30, 1906, No. 561. The Hillside Chemical Company (incorporated) Newburgh, N. Y., U. S. A. 113345." (Blown in bottle) "Hillside Chem. Co., Newburgh, N. Y." The "Terraline with Heroin" was labeled: (On bottle) "Terraline Petroleum Purificatum with heroin Each Fluid Ounce Contains  $\frac{1}{4}$  Grain of Heroin (Alkaloid) indicated in Phthisis, Coughs, Colds, Asthma, La Grippe, Hoarseness, and all diseases of the throat and lungs, and for general debility. Terraline is medicinally pure petroleum. Free from taste and odor and easily digested. Preferable to cod liver oil. In the croupy coughs of children, and in croup itself it is prescribed with the greatest benefit. Directions—Dose, one to two teaspoonfuls three or four times daily, children in like proportion. It may be taken plain, or in milk, coffee, wine, or any other vehicle. Guaranteed under the Food and Drugs Act, June 30, 1906. No. 561. The Hillside Chemical Company (incorporated) Newburgh, N. Y., U. S. A. 013053."

Analysis of a sample of the "Plain Terraline" by the Bureau of Chemistry of this department showed the following results:

Specific gravity at 25° C., 0.8756. Answers U. S. P. requirements for Petrolatum Liquidum.

Analysis of a sample of the "Terraline with Heroin" by said bureau showed the following results:

Heroin (grain per fluid ounce)-----	0.028.
Saponifiable oil -----	Absent.
Specific gravity, 21° C.-----	0.876.

This product is liquid petrolatum carrying heroin in solution.

Misbranding of the article was alleged in the information for the reason that the following statements regarding it, or the ingredients or substances contained therein, appearing on the label of the bottle aforesaid, to wit, "\* \* \* easily digested. Preferable to cod liver oil \* \* \*," were false and misleading in that they indicated to purchasers thereof that the article of drugs was preferable to cod liver oil in that it was easily digested and was, therefore, of value as nutriment, when, in truth and in fact, it was not preferable to cod liver oil in that it was not digestible and contained no nutritive value whatever. Misbranding was alleged for the further reason that the following statements descriptive of the therapeutic or curative effects of the article, appearing on the label of the bottles aforesaid, to wit, "Terraline Petroleum Purificatum (Plain)" (or "with Heroin" as the case might be) "\* \* \* Indi-

cated in Phthisis, \* \* \* Asthma, La Grippe, \* \* \* and All Diseases of the Throat and Lungs, \* \* \* in croup itself, it is prescribed with the greatest benefit," were false and fraudulent in that they were applied to the article knowingly, and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of purchasers thereof the impression and belief, that it was, in whole or in part, composed of, or contained, ingredients or medicinal agents effective, among other things, as a remedy for phthisis, asthma, la grippe, all diseases of the throat and lungs, and croup, when, in truth and in fact, it was not, in whole or in part, composed of, and did not contain, such ingredients or medicinal agents.

On October 27, 1915, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$25.

CARL VROOMAN, *Acting Secretary of Agriculture.*