

5260. Adulteration and misbranding of "Elixir of Phosphate of Iron, Quinine, and Strychnine." U. S. * * * v. Thomas E. Ogram (Ogram's Drug and Gift Store). Plea of guilty. Fine, \$100. (F. & D. No. 7675. I. S. Nos. 4749-1, 4760-1.)

On September 30, 1916, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the police court of said District an information against Thomas E. Ogram, trading as Ogram's Drug and Gift Store, Washington, D. C., alleging the sale by said defendant at the District aforesaid, in violation of the Food and Drugs Act, on April 8, 1916, and May 1, 1916, of a quantity of an article labeled in part: "Elixir of Phosphate or Iron, Quinine and Strychnine * * * T. E. Ogram, Pharmacist, 13th Street and Pennsylvania Avenue, Washington D. C.," which was adulterated and misbranded.

Analyses of samples of the article from each sale, by the Bureau of Chemistry of this department, showed the following results:

	No.1.	No. 2.
Alcohol (per cent by volume)_____	30.4	24.8
Quinine (grams per 1000 cc) not more than_____	4	4.3
Calculated as quinine phosphate (grain per dessertspoonful) not more than_____	0.56	0.6

Adulteration of the article in each sale was alleged in the information for the reason that it was sold as and for "Elixir of Phosphate of Iron, Quinine and Strychnine," containing 43 per cent of alcohol, and each dessertspoonful thereof containing 2 grains of phosphate of iron, 1 grain of phosphate of quinia, and one sixty-fourth grain of phosphate of strychnia, and its strength and purity fell below the professed standard and quality under which it was sold.

Misbranding was alleged for the reason that the following statement regarding the article and the ingredients and substances contained therein, appearing on its label, to wit, "* * * Alcohol 43%. Each dessertspoonful contains two grains. Phosphate of Iron, one grain of Phosphate of Quinia and one sixty-fourth grain of Phosphate of Strychnia * * *," was false and misleading, in that it indicated to purchasers thereof that said article contained 43 per cent of alcohol, and each dessertspoonful thereof contained two grains of phosphate of iron, one grain of phosphate of quinia, and one sixty-fourth grain of phosphate of strychnia, when, in truth and in fact, it did not.

On September 30, 1916, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$100.

R. A. PEARSON, *Acting Secretary of Agriculture.*