

United States Department of Agriculture

SERVICE AND REGULATORY ANNOUNCEMENTS

BUREAU OF CHEMISTRY

SUPPLEMENT

N. J. 14901-14950

[Approved by the Secretary of Agriculture, Washington, D. C. June 16, 1927.]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act.]

14901. Adulteration and misbranding of morphine sulphate tablets and nitroglycerin tablets. U. S. v. Burroughs, Wellcome & Co. (U. S. A.) Inc. Plea of nolo contendere. Fine, \$180. (F. & D. No. 21547. I. S. Nos. 4928-x, 7275-x, 17181-v, 17182-v, 17185-v, 17328-v.)

On November 8, 1926, 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 Burroughs, Wellcome & Co. (U. S. A.), Inc., a corporation, New York, N. Y., alleging shipment by said company, in violation of the food and drugs act, in various consignments, on or about November 1, 1924, April 6, 1925, and September 28, 1925, respectively, from the State of New York into the State of Maryland, of quantities of morphine sulphate tablets, and on or about April 6, 1925, and January 7, 1926, respectively, from the State of New York into the States of Maryland and New Jersey, respectively, of quantities of nitroglycerin tablets, which said products were adulterated and misbranded. The morphine sulphate tablets were labeled in part: "Tabloid Brand Morphine Sulphate * * * gr. 1/8 (0.008 gm.)" (or "gr. 1/20 (0.0032 gm.)" "Burroughs Wellcome & Co. London, Eng." The nitroglycerin tablets were labeled in part: "'Tabloid' Brand Trinitrin (Nitroglycerin) Compressed gr. 1/50 (0.0013 gm.) * * * Burroughs Wellcome & Co. London (Eng.)."

Analysis by the Bureau of Chemistry of this department of samples of the articles showed that two samples of nitroglycerin tablets, labeled "gr. 1/50" contained 1/70 grain and 1/77 grain, respectively, of nitroglycerin per tablet; of the three samples of morphine sulphate tablets labeled "gr. 1/8" two contained 1/13 grain and one contained 1/16 grain of morphine sulphate per tablet, and the morphine sulphate tablets labeled "gr. 1/20" contained 1/23 grain of morphine sulphate per tablet.

Adulteration of the articles was alleged in substance in the information for the reason that their strength and purity fell below the professed standard and quality under which they were sold, in that the labels represented the tablets to contain 1/8 grain of morphine sulphate, i. e., 0.008 gram of morphine sulphate; 1/20 grain of morphine sulphate, i. e., 0.0032 gram of morphine sulphate; or 1/50 grain of nitroglycerin, as the case might be, whereas each of said tablets contained less of the product than represented on the label thereof.

Misbranding was alleged for the reason that the statements, to wit, "Morphine Sulphate * * * gr. 1/8 (0.008 gm.)," "Morphine Sulphate * * * gr. 1/20 (0.0032 gm.)," "'Tabloid' Trinitrin (Nitroglycerin) gr. 1/50 (0.0013 gm.)," as the case might be, borne on the labels of the respective products, were false and misleading, in that the said statements represented that each of said tablets contained the amount of the product declared on the label thereof, whereas the said tablets contained less than so declared.

On February 24, 1927, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a fine of \$180.

W. M. JARDINE, *Secretary of Agriculture.*