

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 459, FOOD AND DRUGS ACT.

ADULTERATION AND MISBRANDING OF LAUDANUM.

On or about December 9, 1908, the National Spice Company, a corporation, New York City, shipped from the State of New York to the State of Connecticut a consignment of a drug product labeled "The National Brand Laudanum, Alcohol 45 per cent, opium 45.6 per cent. gr. per oz., U. S. P. Serial No. 589, The National Spice Company, formerly Dr. James & Bro., New York." Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report thereon indicated that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the National Spice Company, and the dealer from whom the samples were purchased, opportunities for hearings. As it appeared after hearings held that said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the Circuit Court of the United States for the Southern District of New York, charging the above shipment, and alleging that the product was adulterated within the meaning of the act in that said product differed from the standard of strength, quality, and purity as determined by the test laid down in the United States Pharmacopœia for laudanum, official at the time of investigation, and that the actual standard of strength, quality, and purity was not plainly and correctly stated on the container in which said drug was shipped, and further charging that the product was misbranded in that the label thereon failed to bear a correct statement of the quantity of alcohol and opium contained therein.

On May 23, 1910, the defendant entered a plea of guilty to the information and the court imposed a fine of \$50.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *June 25, 1910.*

