

as a matter of fact, it contained a greater amount, to wit, 21 one-hundredths of 1 per cent of benzoate of soda.

On December 12, 1913, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50 and costs.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 6, 1914.*

3038. Adulteration and misbranding of tincture of iodine. U. S. v. Moses Sexton, Manager for M. E. Pywell. Plea of guilty. Fine, \$20. (F. & D. No. 5052. I. S. Nos. 17272-d, 3022-e.)

On June 10, 1913, 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 Moses Sexton, manager for M. E. Pywell, doing business under the name of Robert T. Pywell, Washington, D. C., alleging the sale by said defendant on May 20, 1913, at the District aforesaid, in violation of the Food and Drugs Act, of quantities of tincture of iodine which were adulterated and misbranded. The products were labeled: "Tinc. Iodine * * * Poison: Antidote Emetics, and follow with drinks of Flour or Starch in Water, Milk. Robert T. Pywell, Druggist, 11th & K Sts., S. E. Washington, D. C."

Analyses of samples of the product by the Bureau of Chemistry of this department showed the following results:

Sample No. 1:

Iodine (grams per 100 cc).....	5.04
Potassium iodide.....	None.
Alcohol (per cent by volume).....	94.40

Sample No. 2:

Iodine (grams per 100 cc).....	5.52
Potassium iodide (grams per 100 cc).....	5.30
Alcohol (per cent).....	95

Adulteration of the product was alleged in the information for the reason that it was offered for sale and sold under and by a name, to wit, tincture of iodine, which name was recognized in the United States Pharmacopœia official at the time of investigation, and said drug differed from the standard of strength and purity as determined by the test laid down in said Pharmacopœia official at the time of investigation. Misbranding was alleged for the reason that the product was branded and was labeled so as to deceive and mislead the purchaser, in that the label on the bottles thereof bore the words and phrase "Tincture of Iodine," meaning and importing to the purchaser thereof that the drug was a tincture of iodine conforming to the standard set forth in said Pharmacopœia, whereas, in truth and in fact, it was not.

On June 10, 1913, the defendant entered a plea of guilty to the information and the court imposed a fine of \$20.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 6, 1914.*

3039. Misbranding of Fernet Milano. U. S. v. Pasquale Gargiulo (doing business under the name and style of P. Gargiulo & Co.). Plea of guilty. Fine, \$40. (F. & D. No. 5058. I. S. No. 18691-d.)

On June 11, 1913, 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 a libel against Pasquale Gargiulo, doing business under the name and style of P. Gargiulo & Co., New York, N. Y., alleging the shipment by said company, in violation of the Food and Drugs Act, on December 6, 1911, from the State of New York into the State of Michigan, of a quantity of Fernet Milano