

4048. Adulteration and misbranding of acetanilid tablets, codeine tablets, nux vomica tablets, phenacetin tablets, strychnine sulphate tablets, sodium salicylate tablets, tincture of belladonna, and acetanilid and soda compound tablets. U. S. v. Stearns & White Co., a corporation. Plea of guilty. Fine, \$100 and costs. (F. & D. Nos. 3558, 4238. I. S. Nos. 9895-d, 9900-d, 11202-d, 11203-d, 11206-d, 11207-d, 11208-d, 9896-d.)

On January 20, 1914, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district two informations against the Stearns & White Co., a corporation, Chicago, Ill., alleging shipment by said defendant, in violation of the Food and Drugs Act, on July 26 and 28, 1911, from the State of Illinois into the State of Michigan, of quantities of acetanilid tablets, codeine tablets, nux vomica tablets, phenacetin tablets, strychnine sulphate tablets, sodium salicylate tablets, tincture of belladonna, and acetanilid and soda compound tablets, which were adulterated and misbranded.

Analysis of a sample of the acetanilid tablets by the Bureau of Chemistry of this department showed that the product contained acetanilid per tablet, 3.78 grains.

Adulteration of this product was alleged in the first information for the reason that the label appearing upon the bottle containing the drug product represented to the purchaser that each of the acetanilid tablets contained 5 grains of acetanilid, whereas, in truth and in fact, the strength of each acetanilid tablet fell below the professed standard under which the drug product had been sold and shipped, as aforesaid, in that each of the acetanilid tablets contained not to exceed 3.78 grains of acetanilid.

Misbranding was alleged for the reason that the bottle containing the drug product bore a label in words and figures as follows, to wit, "500 Compressed Tablets. Pink. Acetanilid 5 grains. From the Laboratory of Stearns & White Co. Manufacturing Chemists, Chicago. Guaranteed by Stearns & White Co., under the Food and Drugs Act, June 30, 1906. Serial No. 2937," which said statement on the label, appearing on the bottle containing the drug product, was false and misleading in that said statement represented to the purchaser that each of the acetanilid tablets contained 5 grains of acetanilid, whereas, in truth and in fact, the strength of each acetanilid tablet fell below the professed standard under which the drug product had been sold and shipped as aforesaid, in that each of the acetanilid tablets contained not to exceed, to wit, 3.78 grains of acetanilid.

Analysis of a sample of the codeine tablets by said Bureau of Chemistry showed codeine per tablet, one-sixth of a grain.

Adulteration of this product was alleged in the first information for the reason that the label appearing upon the bottle containing the drug product represented to the purchaser that each of the codeine tablets contained one-fourth of a grain of codeine, whereas, in truth and in fact, the strength of each codeine tablet fell below the professed standard under which the drug product had been sold and shipped, as aforesaid, in that each of the codeine tablets contained not to exceed one-sixth of a grain of codeine.

Misbranding of this product was alleged for the reason that the bottle containing the same bore a label in words and figures as follows, to wit, "Compressed Tablets. Codeine. C. P. 1-4 Grain. From the Laboratory of Stearns & White Co. Manufacturing Chemists Chicago. Guaranteed by Stearns & White Co., under the Food and Drugs Act, June 30, 1906. Serial No. 2937," which said statement on the label appearing on the bottle containing the drug product was false and misleading in that said statement represented to the purchaser that each of the codeine tablets contained one-fourth of a grain of codeine, whereas, in truth and in fact, the strength of each codeine tablet fell below the professed standard under which the drug product had been sold and shipped, as aforesaid, in that each of the codeine tablets contained not to exceed, to wit, one-sixth of a grain of codeine.

Analysis of a sample of the nux vomica tablets by said Bureau of Chemistry showed nux vomica extract per tablet, three-twentieths of a grain.

Adulteration of this product was alleged in the first information for the reason that the label appearing upon the bottle containing the same represented to the purchaser that each of the nux vomica tablets contained one-fourth grain of nux vomica extract, whereas, in truth and in fact, the strength of each nux vomica tablet fell below the professed standard under which the drug product had been sold and shipped, as aforesaid, in that each of the nux vomica tablets contained not to exceed three-twentieths of a grain of nux vomica.

Misbranding was alleged for the reason that the bottle containing the drug product bore a label in words and figures as follows, to wit, "1000 Compressed Tablets Nux Vomica Ext. 1-4 grain. Stearns & White Co. Mfg. Chemists, Chicago. Guaranteed by Stearns & White Co., under the Food and Drugs Act, June 30, 1906, Serial No. 2937," which said statement on the label appearing on the bottle containing the drug product was false and misleading in that said statement represented to the purchaser that each of the nux vomica tablets contained one-fourth of a grain of nux vomica extract, whereas, in truth and in fact, the strength of each nux vomica tablet fell below the professed standard under which the drug product had been sold and shipped, as aforesaid, in that each of the nux vomica tablets contained not to exceed three-twentieths of a grain of nux vomica extract.

Analysis of a sample of the phenacetin tablets by said Bureau of Chemistry showed that the product contained phenacetin per tablet, 3.90 grains.

Adulteration of this product was alleged in the first information for the reason that the label appearing upon the bottle containing the drug product represented to the purchaser that each of the phenacetin tablets contained 5 grains of acetphenetidin (phenacetin), whereas, in truth and in fact, the strength of each phenacetin tablet contained in the bottle aforesaid fell below the professed standard under which the drug product had been sold and shipped, as aforesaid, in that each of the phenacetin tablets contained not to exceed 3.90 grains of acetphenetidin (phenacetin).

Misbranding of this product was alleged for the reason that the bottle containing the same bore a label in words and figures as follows, to wit, "500 Compressed Tablets. Phenacetine 5 grains. Dose.—One or two tablets. Guaranteed by Stearns & White Co., under the Food and Drugs Act, June 30, 1906. Serial No. 2937. From the Laboratory of Stearns & White Co. Manufacturing Chemists, Chicago," which said statement on the label was false and misleading in that said statement represented to the purchaser that each of the phenacetin tablets contained 5 grains of acetphenetidin (phenacetin), whereas, in truth and in fact, the strength of each phenacetin tablet fell below the professed standard under which the drug product had been sold and shipped, as aforesaid, in that each of the phenacetin tablets contained not to exceed 3.90 grains of acetphenetidin (phenacetin).

Analysis of a sample of the strychnine sulphate tablets by said Bureau of Chemistry showed strychnine sulphate per tablet, one fifty-sixth of a grain.

Adulteration of this product was alleged in the first information for the reason that the label appearing upon the bottle containing said drug product represented to the purchaser that each of the strychnine sulphate tablets contained one-fortieth of a grain of strychnine sulphate, whereas, in truth and in fact, the strength of each strychnine sulphate tablet fell below the professed standard under which the drug product had been sold and shipped, as aforesaid, in that each of the strychnine sulphate tablets contained not to exceed one fifty-sixth of a grain of strychnine sulphate.

Misbranding was alleged for the reason that the bottle containing the drug product bore a label in words and figures as follows, to wit, (Neck label) "1000." (On bottle) "Compressed Tablets Strychnine Sulphate. 1-40 grain. From the Laboratory of Stearns & White Co. Manufacturing Chemists. Chicago. Guaranteed by Stearns & White Co., under the Food and Drugs Act, June 30, 1906. Serial No. 2937," which said statement on the label appearing on the bottle was false and misleading in that said statement represented to the purchaser that each of the strychnine sul-

phate tablets contained one-fortieth of a grain of strychnine sulphate, whereas, in truth and in fact, the strength of each strychnine sulphate tablet fell below the professed standard under which the drug product had been sold and shipped, as aforesaid, in that each of the strychnine sulphate tablets contained not to exceed one fifty-sixth of a grain of strychnine sulphate.

Analysis of a sample of the sodium salicylate tablets by said Bureau of Chemistry showed that the product contained sodium salicylate per tablet, 3.45 grains.

Adulteration of this product was alleged in the first information for the reason that the label appearing upon the bottle containing the drug product represented to the purchaser that each of the sodium salicylate tablets contained 5 grains of sodium salicylate, whereas, in truth and in fact, the strength of each sodium salicylate tablet fell below the professed standard under which the drug product had been sold and shipped, as aforesaid, in that each of the sodium salicylate tablets contained not to exceed 3.45 grains of sodium salicylate.

Misbranding was alleged for the reason that the bottle containing the drug product aforesaid bore a label in words and figures as follows, to wit, "1000 Compressed Tablets. Sodium Salicylate 5 grains. Stearns & White Co. Mfg. Chemists, Chicago. Guaranteed by Stearns & White Co., under the Food and Drugs Act, June 30, 1906. Serial No. 2937," which said statement on the label appearing on the bottle containing said drug product was false and misleading in that said statement represented to the purchaser that each of the sodium salicylate tablets contained 5 grains of sodium salicylate, whereas, in truth and in fact, the strength of each sodium salicylate tablet fell below the professed standard under which the drug product had been sold and shipped, as aforesaid, in that each of the sodium salicylate tablets contained not to exceed 3.45 grains of sodium salicylate.

Analysis of a sample of the tincture of belladonna by said Bureau of Chemistry showed the following results:

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| Alcohol (per cent by volume)..... | 57.1 |
| Alkaloid (gram per 100 cc.)..... | 0.0189 |

Adulteration of this product was alleged in the first information for the reason that the label appearing upon the bottle containing said drug product represented to the purchaser that the tincture of belladonna was of the standard of strength, quality, and purity, as determined by the test laid down in the United States Pharmacopœia, whereas, in truth and in fact, the drug product did not comply with said test aforesaid, in that the drug product did not contain three one-hundredths of a gram of alkaloid derived from belladonna leaves per 100 cubic centimeters of the drug product aforesaid, but contained not to exceed, to wit, 0.0189 gram of alkaloid derived from belladonna leaves per 100 cubic centimeters of the drug product aforesaid.

Misbranding was alleged for the reason that the bottle containing the drug product bore a label in words and figures as follows, to wit, "Tinct. Belladonna, U. S. P., Alcohol 47 per cent. Stearns & White Co. Manufacturing Chemists Chicago, Guaranteed by Stearns & White Co. under the Food and Drugs Act, June 30, 1906, Serial No. 2937," which said statement on the label appearing on the bottle was false and misleading in that said statement represented to the purchaser that the tincture of belladonna was of the standard of strength, quality, and purity, as determined by the test laid down in the United States Pharmacopœia, whereas, in truth and in fact, the drug product aforesaid did not comply with said test aforesaid in that the drug product did not contain three one-hundredths of a gram of alkaloid derived from belladonna leaves per 100 cubic centimeters of the drug product aforesaid, but contained not to exceed, to wit, 0.0189 gram of alkaloid derived from belladonna leaves per 100 cubic centimeters of the drug product aforesaid. Misbranding was alleged for the further reason that said statement on the label was false and misleading in that said statement represented to the

purchaser that the drug product contained 47 per cent of alcohol, whereas, in truth and in fact, the drug product contained a larger amount of alcohol, to wit, 57 per cent.

Analysis of a sample of the acetanilid and soda compound tablets by said Bureau of Chemistry showed the following results:

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| Acetanilid per tablet (grains)..... | 1.966 |
| Citrate caffeine per tablet (grain)..... | 0.905 |

Adulteration of this product was alleged in the second information for the reason that the label borne upon the bottle containing the drug product represented to the purchaser that each of the acetanilid and soda tablets contained $2\frac{1}{2}$ grains of acetanilid per tablet, whereas, in truth and in fact, the strength of each acetanilid and soda tablet fell below the professed standard under which the drug product had been sold and shipped, as aforesaid, in that each of the acetanilid and soda tablets contained not to exceed, to wit, 1.966 grains of acetanilid per tablet.

Misbranding was alleged for the reason that the bottle containing the drug product aforesaid bore a label in words and figures as follows, to wit, "1000 3573B Compressed Tablet, Acetanilid and Soda Comp. Acetanilid $2\frac{1}{2}$ grs. Sodium Bicarb. $2\frac{1}{2}$ grs. Citrate Caffeine 1 gr. Tr. Gelsemium 3 min. Guaranteed under the Food and Drugs Act, June 30, 1906. Serial No. 2937. Manufactured by Stearns & White Co. Manufacturing Chemists, Chicago," which said statement on the label appearing on the bottle was false and misleading in that said statement represented to the purchaser that each of the acetanilid and soda tablets contained $2\frac{1}{2}$ grains of acetanilid per tablet, whereas, in truth and in fact, the strength of each acetanilid and soda tablet fell below the professed standard under which the drug product aforesaid had been sold and shipped, in that each of the acetanilid and soda tablets contained not to exceed, to wit, 1.966 grains of acetanilid. Misbranding was alleged for the further reason that said statement on the label misled and deceived the purchaser into the belief that each of the acetanilid and soda tablets contained $2\frac{1}{2}$ grains per tablet, whereas, in truth and in fact, the strength of each acetanilid and soda tablet fell below the professed standard under which the drug product had been sold and shipped as aforesaid, in that each of the acetanilid and soda tablets contained not to exceed, to wit, 1.966 grains of acetanilid.

On October 30, 1914, the two informations were consolidated into one court proceeding and thereupon a plea of guilty was entered by the defendant company and the cause was taken under advisement by the court. On March 26, 1915, the case having come on for final disposition, the court imposed a fine of \$100 and costs upon the plea of guilty theretofore entered.

C. F. MARVIN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., November 5, 1915.