

5762. Misbranding of "Homenta." U. S. * * * v. Laurence E. Cash (New York Drug Concern). Plea of guilty. Fine, \$25. (F. & D. No. 7745. I. S. No. 3605-1.)

On January 22, 1917, 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 Laurence E. Cash, trading under the name of the New York Drug Concern, New York, N. Y., alleging shipment by said defendant, on April 3, 1916, in violation of the Food and Drugs Act, as amended, from the State of New York into the State of Georgia, of a quantity of an article labeled in part "Homenta," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Solids (per cent)-----	61.34
Ash: Trace.	
Sucrose (per cent)-----	60.1
Reducing sugars as invert (per cent)-----	1.6
Alcohol (per cent by volume)-----	4.6
Ammonia (per cent)-----	0.096

The product is a dark-colored liquid with a small amount of oil floating on top or emulsified in the liquid. It consists essentially of menthol, thymol, ammonia, sugar, water, and alcohol.

It was alleged in substance in the information that the article was misbranded for the reason that certain statements included in the circular accompanying the article falsely and fraudulently represented it as a treatment for catarrh, headaches, croup, coryza [coryza], asthma, hay fever, tonsillitis, grippe, measles, neuralgia, whooping cough, and weak lungs, and as a remedy for tuberculosis, weak eyes, and semideafness caused by catarrh, and as a preventive of pneumonia, when, in truth and fact, it was not.

On February 13, 1917, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

C. F. MARVIN, Acting Secretary of Agriculture.