

**5934. Adulteration and misbranding of "Concentrated Nitrous Ether." U. S. \* \* \* v. Mallinckrodt Chemical Works, a corporation. Plea of guilty. Fine, \$20 and costs. (F. & D. No. 8131. I. S. Nos. 11709-m, 12914-l.)**

On April 27, 1917, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Mallinckrodt Chemical Works, a corporation, St. Louis, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, on or about April 21, 1916, and August 9, 1916, from the State of Missouri into the State of Michigan, of quantities of an article labeled in part, "Concentrated Nitrous Ether," which was adulterated and misbranded.

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

*Shipment of August 9.*

Ethyl nitrite (U. S. P. assay of spirit of nitrous ether prepared according to directions on label) (per cent)\_\_\_\_\_ 3.16

*Shipment of April 21.*

Ethyl nitrite (U. S. P. assay of spirit of nitrous ether prepared according to directions on label) (per cent)\_\_\_\_\_ 3.20

Adulteration of the article in each shipment was alleged in the information for the reason that in strength and purity it fell below the professed standard and quality under which it was sold.

Misbranding of the article in each shipment was alleged for the reason that the statements concerning it and the ingredients and substances contained therein appearing on the label, to wit, "1 to 21 Concentrated Nitrous Ether. \* \* \* add the contents to five and one-quarter pounds of official Alcohol \* \* \* result will be five and one-half pounds of pure, neutral Spirit of Nitrous Ether, strictly U. S. P., containing four per cent. of Absolute Nitrous Ether by Nitrometer test of the U. S. P.," were false and misleading in that they represented to purchasers that the article was a nitrous ether so concentrated that the addition thereto of 21 parts of official alcohol to one part of the article would produce a neutral spirit containing 4 per cent of absolute nitrous ether by the nitrometer test of the United States Pharmacopœia, Ninth Decennial Edition, and for the further reason that it was labeled as aforesaid so as to deceive and mislead purchasers into the belief that it was a nitrous ether so concentrated that by the addition thereto of 21 parts of official alcohol to one part of the article, there would be produced a neutral spirit of nitrous ether containing 4 per cent of absolute nitrous ether according to the nitrometer test of the United States Pharmacopœia, Ninth Decennial Edition, whereas, in truth and in fact, it was not.

On November 2, 1917, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$20 and costs.

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