

5043. Misbranding and alleged adulteration of paregoric, sweet spirits of nitre, and soap liniment, U. S. * * * * v. William H. Jackson and William W. Whipps (Jackson & Whipps). Pleas of guilty to counts 2, 4, and 6 of the information. Fine, \$30. Counts 1, 3, and 5 not-prossed. (F. & D. No. 7003. I. S. Nos. 22117-h, 22118-h, 25808-h.)

On July 11, 1916, 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 William H. Jackson and William W. Whipps, copartners, trading as Jackson & Whipps, Washington, D. C., alleging the sale by said defendants at the District aforesaid, in violation of the Food and Drugs Act, on June 22, 1914, of a quantity of paregoric, and on April 15, 1914, of quantities of sweet spirits of niter and soap liniment, which were misbranded and alleged to have been adulterated. The paregoric was labeled in part: "Paregoric U. S. P. Contains * * * 1.9 grs. Powd. Opium to ounce. Jackson & Whipps * * *, 1513-7th St. NW. * * *, Wash., D. C. * * *." The sweet spirits of niter was labeled in part: "Sweet Spts Nitre, U. S. P. Contains * * * 17.5 grs. Ethyl Nitrite in oz. Jackson & Whipps, * * *, 1513-7th St. NW. * * *, Wash., D. C. * * *." The soap liniment was labeled in part: "Soap Liniment Contains 68.8% alcohol. Jackson & Whipps * * *, 1513-7th St. NW. * * *, Wash., D. C. * * *."

Analysis of a sample of the paregoric by the Bureau of Chemistry of this department showed that it contained 1.3 grains of opium per fluid ounce.

Analysis of a sample of the sweet spirits of niter by said Bureau of Chemistry showed that it contained 0.42 per cent ethyl nitrite.

Analysis of a sample of the soap liniment by said Bureau of Chemistry showed the following results:

Total alcohol (per cent by volume)-----	42.8
Methyl alcohol (per cent by volume) (Leach & Lythgoe's method)-----	18.6
Ethyl alcohol (per cent by volume)-----	24.2

Misbranding of the paregoric was alleged in the information for the reason that the statements on the label thereof, to wit, "Paregoric U. S. P." and "Contains * * * 1.9 grs. Powd. Opium to ounce," were false and misleading in that they represented that the article was paregoric which conformed to the standard as prescribed by the United States Pharmacopœia, and that it contained 1.9 grains of powdered opium to the fluid ounce, whereas, in truth and in fact, it was not paregoric according to the standard prescribed by the said Pharmacopœia, and did not contain 1.9 grains of powdered opium to the fluid ounce, but contained a less amount, to wit, 1.3 grains of powdered opium per fluid ounce.

Misbranding of the sweet spirits of niter was alleged for the reason that the statements, to wit, "Sweet Spts. Nitre. U. S. P." and "Contains * * * 17.5 grs. Ethyl nitrite in oz.," were false and misleading in that they represented that said article was sweet spirits of niter which conformed to the standard as prescribed by the United States Pharmacopœia, and that it contained 17.5 grains of ethyl nitrite to the fluid ounce, whereas, in truth and in fact, it was not sweet spirits of niter according to the standard prescribed by said pharmacopœia, and it did not contain 17.5 grains of ethyl nitrite to the fluid ounce, but contained a less amount—to wit, 1.6 grains of ethyl nitrite per fluid ounce.

Misbranding of the soap liniment was alleged for the reason that the statement, to wit, "Contains 68.8% alcohol," borne on the label thereof, was false and misleading in that it falsely represented that said article contained 68.8 per cent of ethyl alcohol, whereas, in truth and in fact, it did not, but contained a less amount, to wit, 36.86 per cent of ethyl alcohol.

On July 11, 1916, the defendants entered pleas of guilty to counts 2, 4, and 6 of the information charging misbranding of the article and the court imposed a fine of \$30. Counts 1, 3, and 5 of the information, charging adulteration of the articles, were nol-prossed.

(While it was alleged in the information that the soap liniment contained 36.86 per cent of ethyl alcohol, it will be noted that the analysis shows that it contained 24.2 per cent by volume of ethyl alcohol and 18.6 per cent by volume of methyl alcohol.)

CARL VROOMAN, *Acting Secretary of Agriculture.*