

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2567.

(Given pursuant to section 4 of the Food and Drugs Act.)

U. S. v. Charles Reif Co. Plea of guilty. Fine, \$10.

MISBRANDING OF EAU DE QUININE HAIR TONIC.

On June 6, 1912, the United States Attorney for the Eastern District of Tennessee, 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 Charles Reif Co., a corporation, Chattanooga, Tenn., alleging shipment by said company, in violation of the Food and Drugs Act, on October 31, 1911, from the State of Tennessee into the State of Georgia of a quantity of hair tonic which was misbranded. The product was labeled: "Trade Mark Reif's Eau de Quinine Hair Tonic Contains grain alcohol, 50 per cent Prepared only by the Charles Reif Company, Chattanooga, Tenn."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Alcohol by volume, 24.7 per cent. Misbranding of the product was alleged in the information for the reason that the statement "Contains grain alcohol, 50 per cent" borne on the label was false and misleading, as the analysis showed that the product did not contain 50 per cent alcohol. The product was further misbranded in that the form of label used was misleading because of the fact that the quantity of alcohol contained in the product was improperly declared, being placed in a very inconspicuous place upon the label and not in the same sized type as that of the main part of the label. Regulation 17 providing that there shall be no intervening descriptive or explanatory reading matter between the names of the substances contained in the article and providing that the size of the type used to declare the information required by the act shall not be smaller than 8-point brevier capitals,

provided that in case the size of the package will not permit the use of 8-point type the size of the type may be reduced proportionately.

On November 27, 1912, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$10. It was stated in the judgment of the court that the offence in labeling arose from an inadvertence and not from an intent to violate the law.

B. T. GALLOWAY,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *September 10, 1913.*

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