

3883. Adulteration and misbranding of acetanilid tablets, acetphenetidin tablets, and boric acid ointment. U. S. v. O. F. Schmid Chemical Co. Plea of guilty. Fine, \$50. (F. & D. No. 3874. I. S. Nos. 11396-d, 11398-d, 16006-d.)

On November 12, 1914, the United States attorney for the Eastern District of Michigan, 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 O. F. Schmid Chemical Co., a corporation, Jackson, Mich., alleging the shipment by said company, in violation of the Food and Drugs Act, on or about November 13, 1911, from the State of Michigan into the State of Indiana, of quantities of acetanilid tablets, acetphenetidin tablets, and boric acid ointment, which articles were adulterated and misbranded. The acetanilid tablets were labeled: (On bottle) "Guaranteed under the Food and Drugs Act, June 30, 1906, No. 3125. O. F. Schmid Chemical Company, Jackson, Mich. 500 compressed tablets No. 4 acetanilid 3 grs. O. F. Schmid Chemical Co., Jackson, Mich. 6348." (Blown in bottle) "1481."

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

20 tablets weighed (grams).....	3. 6350
(1) Acetanilid not more than (per cent).....	85. 20
(2) Acetanilid not more than (per cent).....	84. 31
(3) Acetanilid not more than (per cent).....	84. 77
Average amount of acetanilid per tablet not more than (grains)..	2. 37
Shortage (per cent).....	21

Adulteration of the product was alleged in the information for the reason that its strength fell below the professed standard under which it was sold. Misbranding was alleged for the reason that the following statement, to wit, "500 compressed tablets No. 4 acetanilid 3 grs.," borne on the label thereof, was false and misleading, because it misled and deceived the purchaser into believing that the product contained 3 grains of acetanilid per tablet, whereas, in fact, each tablet contained on an average only 2.37 grains of acetanilid.

The acetphenetidin tablets were labeled: (On bottle) "Guaranteed under the Food and Drugs Act, June 30, 1906, No. 3125. O. F. Schmid Chemical Co., Jackson, Mich. 500 compressed tablets No. 352 acetphenetidin 3 grains. O. F. Schmid Chemical Co., Jackson, Mich." (Blown in bottle) "8471."

Analysis of the sample of this product by said Bureau of Chemistry showed the following results:

20 tablets weighed (grams).....	5. 6695
(1) Acetphenetidin not more than (per cent).....	58. 03
(2) Acetphenetidin not more than (per cent).....	58. 05
Average amount of acetphenetidin per tablet not more than (grains).....	2. 53
Shortage (per cent).....	15. 3

Adulteration of this product was alleged in the information for the reason that its strength fell below the professed standard under which it was sold. Misbranding was alleged for the reason that the following statement, to wit, "500 compressed tablets No. 352 acetphenetidin 3 grains," borne on the label thereof, was false and misleading because it conveyed the impression that the product contained 3 grains of acetphenetidin per tablet, whereas, in fact, said tablets contained on an average only 2.53 grains each.

The boric acid ointment was labeled: (On box) "Ointment Boric Acid 10%. Guaranteed by O. F. Schmid Chemical Co. under the Food and Drugs Act, June 30, 1906. No. 3125. 23779. O. F. Schmid Chemical Co., Manufacturing Chemists and Pharmacists, Jackson, Mich. * * *"

Analysis of a sample of this product by said Bureau of Chemistry showed that it contained 7.6 per cent boric acid, and that its base consisted of a mixture of petrolatum and a saponifiable material.

It was alleged in the information that this product was sold under and by a name recognized in the United States Pharmacopœia, which said Pharmacopœia specifies paraffin and petrolatum as a basis, and that it should contain 10 per cent boric acid and the product was therefore adulterated within the meaning of paragraph 1 of section 7 of the Food and Drugs Act, in the case of drugs, in that it was sold under and by a name recognized in the United States Pharmacopœia, but differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia, official at the time of investigation, and neither was its own standard of strength, quality, and purity stated on the bottle, box, or other container in which it was offered for sale. Misbranding was alleged for the reason that the following statement, to wit, "Ointment Boric Acid 10%," borne on the label thereof, was false and misleading because it conveyed the impression that the product was ointment boric acid of the standard of strength, quality, and purity set forth in the United States Pharmacopœia, whereas, in truth and in fact, it did not conform to such standard.

On November 23, 1914, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$50.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 28, 1915.*