Poison Act, reported in notice of judgment no. 1555 published under the former act and notice of judgment no. 64 published under the latter act.

On May 5, 1937, the defendant entered a plea of guilty and the court imposed a fine of $10, which covered the charges under the three acts.

H. A. WALLACE, *Secretary of Agriculture.*

**27255. Adulteration and misbranding of elixir of iron, quinine, and strychnine; elixir of terpin hydrate and codeine, and sweet spirit of niter. U. S. v. Leading Drug Corporation. Plea of guilty. Fine, $110.** (F. & D. no. 38051. Sample nos. 61396–B, 61411–B, 61527–B.)

These products were sold under names recognized in the National Formulary or United States Pharmacopoeia and differed from the standard established by those authorities, and their own standard was not declared on the label.

On December 12, 1936, 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 an information against the Leading Drug Corporation, New York, N. Y., alleging shipment by said company in violation of the Food and Drugs Act on or about November 7, 1935, from the State of New York into the State of Connecticut, of a quantity of elixir of iron, quinine, and strychnine that was adulterated and misbranded; and on or about February 10 and March 11, 1936, from the State of New York into the State of New Jersey of quantities of elixir of terpin hydrate and codeine and of sweet spirit of niter that were adulterated and misbranded. The articles were labeled in part: "Leading * * * Elixir Iron Quinine and Strychnine N. F." or "Leading * * * N. F. V. Elixir of Terpin Hydrate and Codeine" [or "Leading * * * U. S. P. Sweet Spirit of Niter"] * * * Leading Drug Corp., New York, N. Y."

The articles were alleged to be adulterated in that they were sold under and by names recognized in the National Formulary or in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the tests laid down in those authorities official at the time of investigation and their own standards of strength, quality, and purity were not declared on the labels, viz: The elixir of iron, quinine, and strychnine contained not more than 114.3 cubic centimeters of tincture of ferric citrochloride per 1,000 cubic centimeters, whereas the National Formulary provides that elixir of iron, quinine, and strychnine shall contain not less than 125 cubic centimeters of tincture of ferric citrochloride per 1,000 cubic centimeters; the elixir of terpin hydrate and codeine contained not more than 15.7 grams of terpin hydrate and not more than 1.68 grams of codeine per 1,000 cubic centimeters, whereas the formulary provides that elixir of terpin hydrate and codeine shall contain not less than 17.5 grams of terpin hydrate and not less than 2 grams of codeine per 1,000 cubic centimeters; the sweet spirit of niter contained not less than 5.21 percent of ethyl nitrite, whereas the United States Pharmacopoeia provides that spirit of ethyl nitrite, i. e., sweet spirit of niter, shall contain not more than 4.5 percent of ethyl nitrite.

The articles were alleged to be misbranded in that the statements, "Elixir Ferri Quinine et Strychnia Elixir Iron Quinine & Strychnine N. F. 5th Edition", "Elixir Terpini Hydratis et Codeinae N. F. V. Elixir of Terpin Hydrate & Codeine", and "Spiritus Aetheris Nitros U. S. P. Sweet Spirit of Nitre", borne on their respective labels, were false and misleading in that said statements represented that the first two described products conformed to the standard laid down in the National Formulary and that the third product conformed to the standard laid down in the United States Pharmacopoeia; whereas the products did not conform to said standards.

On May 18, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $110.

H. A. WALLACE, *Secretary of Agriculture.*

**27256. Misbranding of Munyon's Tona Spaf. U. S. v. 4 Cartons of Munyon's Tona Spaf. Default decree of condemnation and destruction.** (F. & D. no. 39261. Sample no. 20585–C.)

The labeling of this product bore false and fraudulent representations regarding its curative or therapeutic effects.

On March 31, 1937, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of four cartons, each containing 12 bottles, of Munyon's Tona Spaf at East Providence, R. I., alleging that the