

represented to be products which conformed to the standard laid down in the United States Pharmacopoeia or the National Formulary, and the sweet spirit of niter was labeled as containing 17.5 grams of ethyl nitrite per fluid ounce; whereas the articles did not conform to the standard laid down in the said authorities and the sweet spirit of niter contained ethyl nitrite in excess of the amount declared.

Misbranding was alleged for the reason that the statements, "Chloroform Liniment USP", "Soap Liniment (Linimentum Saponis U. S. P.)", "Stoke's Expectorant (Mistura Pectorallis Stoke's N. F.)", "Sweet Spirit of Nitre (Spirit of Nitrous Ether U. S. P.) * * * Ethyl Nitrite 17.5 grs. to oz.)", and "Milk of Magnesia, U. S. P.", borne on the labels, were false and misleading.

On May 24, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$60.

W. R. GREGG, *Acting Secretary of Agriculture.*

24652. Adulteration and misbranding of solution citrate magnesia. U. S. v. Roma Extract Co. and Joseph Graceffa. Pleas of nolo contendere. Fines, \$10. (F. & D. no. 33924. Sample no. 58074-A.)

This case was based on an interstate shipment of solution citrate of magnesia which did not conform to the requirements of the United States Pharmacopoeia, and which was not labeled to indicate its own standard of strength, quality, and purity.

On March 29, 1935, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Roma Extract Co., a corporation, and Joseph Graceffa, Boston, Mass., alleging shipment by said defendant in violation of the Food and Drugs Act on or about March 21, 1934, from the State of Massachusetts into the State of Rhode Island, of a quantity of solution citrate of magnesia which was adulterated and misbranded. The article was labeled in part: (Bottle) "Solution Citrate Magnesia"; (wrapper) "Effervescing Solution Citrate of Magnesia * * * (Not U. S. P. * * * Roma Extract Company Boston Mass."

The article was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in that authority, since it contained less than 1.5 grams, namely, not more than 0.93 gram of magnesium oxide per 100 cubic centimeters; less than 9.5 cubic centimeters, namely, not more than 1.3 cubic centimeters of half-normal sodium hydroxide was required to neutralize the acid in 10 cubic centimeters of the article; less than 28 cubic centimeters, namely, not more than 3.55 cubic centimeters of half-normal sulphuric acid was required to neutralize the ash obtained from 10 cubic centimeters of the article, and it contained magnesium sulphate, whereas the pharmacopoeia provides that solution of magnesium citrate shall contain in each 100 cubic centimeters magnesium citrate corresponding to not less than 1.5 gram of magnesium oxide; that 10 cubic centimeters of the solution shall require not less than 9.5 cubic centimeters of half-normal sodium hydroxide for neutralization of the free acid; that not less than 28 cubic centimeters of half-normal sulphuric acid shall be required to neutralize the ash obtained from 10 cubic centimeters of the solution, and precludes magnesium sulphate as a normal constituent of solution citrate of magnesia, and the standard of strength, quality, and purity of the article was not declared on the container. Adulteration was alleged for the further reason that the strength and purity of the article fell below the professed standard and quality under which it was sold, since it was represented to be solution citrate of magnesia; whereas it contained magnesium sulphate which is not found in solution citrate of magnesia.

Misbranding was alleged for the reason that the statements, (label) "Solution Citrate of Magnesia" and (bottle) "Solution Citrate Magnesia", were false and misleading, since the said statements represented that the article was solution citrate of magnesia; whereas it was not, but was a mixture composed in part of magnesium sulphate. Misbranding was alleged for the further reason that the article was a mixture composed in part of magnesium sulphate prepared in imitation of solution citrate of magnesia, and was offered for sale and sold under the name of another article, namely, solution citrate of magnesia.

On April 15, 1935, pleas of nolo contendere were entered on behalf of the defendants and the court imposed fines in the total amount of \$10.

W. R. GREGG, *Acting Secretary of Agriculture.*