

herein to the effect that the said thirty-four cases of canned tomatoes shall not be sold or otherwise disposed of contrary to the provisions of the Food and Drugs Act of June 30, 1906,

It is further ordered, adjudged, and decreed that the marshal be, and he is hereby, directed to release the said thirty-four cases of canned tomatoes and restore the same to the claimant herein.

The facts in the case were as follows:

On or about October 27, 1908, an inspector of the State board of health of Indiana, acting under authorization of the Secretary of the United States Department of Agriculture to Dr. H. E. Barnard, State food and drug commissioner of Indiana, in accordance with regulation 3 of the rules and regulations for the enforcement of the Food and Drugs Act of June 30, 1906, found in the possession of the Bement-Rea Company, in Terre Haute, Ind., 34 cases, each containing 24 cans of canned tomatoes labeled and branded "2 dozen 3 lb. Superior Tomatoes. Packed by Sears & Nichols Company, Chillicothe, Ohio, Pentwater, Michigan." The goods had been shipped to the Bement-Rea Company by the Sears & Nichols Company from Chillicothe, Ohio. A number of the cans were weighed by the inspector, and the average gross weight was found to be 40 ounces.

The goods were therefore misbranded within the meaning of section 8 of the act, and on October 29, 1908, the facts were reported to the United States attorney for the district of Indiana and libel for seizure and condemnation was duly filed, with the result hereinbefore stated.

H. W. WILEY,
F. L. DUNLAP,
GEO. P. McCABE,

Board of Food and Drug Inspection.

Approved:

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *June 28, 1909.*

(N. J. 86.)

MISBRANDING OF A DRUG PRODUCT.

(SALTPETRE.)

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906, and of regulation 6 of the rules and regulations for the enforcement of the act, notice is given that on the 2d day of March, 1909, in the district court of the United States for the district of New Jersey, in a prosecution by the United States against L. Sonneborn Sons (Incorporated), a corporation conducting business at Avondale, N. J., for violation of section 2 of the aforesaid act, in

the shipment and delivery for shipment from Avondale, N. J., to Chicago, Ill., of a drug product which was adulterated and misbranded in this, that it was labeled "L. Sonneborn Sons, Belleville, N. J., 437-20 Pure Double Refined Saltpetre, granulated Nitrate-Potash," whereas it contained sodium chlorid and was not of the standard strength, quality, and purity required by the United States Pharmacopœia, the cause having come on for a hearing, and the defendant having entered a plea of non vult, the court found for the United States and sentenced the defendant to pay a fine of \$50.

The facts in the case were as follows:

On October 12, 1907, an inspector of the Department of Agriculture purchased from Thos. Thorkildsen & Co., Chicago, Ill., samples of a drug product labeled "L. Sonneborn Sons, Belleville, N. J., 437-20 Pure Double Refined Saltpetre, granulated Nitrate-Potash," which samples were a part of a shipment made on June 15, 1907, by L. Sonneborn Sons from Avondale, N. J., to Morrison, Plummer & Co., Chicago, Ill.

One of the samples was subjected to analysis in the Bureau of Chemistry of the Department of Agriculture and the following results obtained and stated:

	Per cent.
Moisture.....	0.46
Chlorid (calculated as sodium chlorid).....	7.28
Sulphates.....	Trace.

The pharmacopœial standard for potassium nitrate (pure double-refined saltpetre) is 99 per cent pure, and as the analysis showed the above-mentioned sample to contain 7.28 per cent of sodium chlorid, it was evident that it was adulterated and misbranded within the meaning of sections 7 and 8 of the act. The Secretary of Agriculture having, on June 12, 1908, afforded the manufacturers an opportunity to show any fault or error in the aforesaid analysis and they having failed to do so, the facts were duly reported to the Attorney-General on November 17, 1908, and the case referred to the United States attorney for the district of New Jersey, who filed an information against the said L. Sonneborn Sons (Incorporated), with the result hereinbefore stated.

H. W. WILEY,
F. L. DUNLAP,
GEO. P. McCABE,

Board of Food and Drug Inspection.

Approved:

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., June 28, 1909.