

*Antiseptic for Acetanilid Tablets.*—The plaintiff was suffering from a severe headache, and sent her 9-year-old son to a neighbouring drug store to purchase some acetanilid tablets. The boy called at the drug store and made known his wants to defendant's clerk, who, in lieu of acetanilid tablets, gave him antikamnia tablets. Upon receipt of the antikamnia tablets, plaintiff returned them by W., a young man about 20 years of age, with instructions to advise the clerk to send her acetanilid tablets, as originally requested. W. went to the drug store and delivered the message to the defendant's clerk, again naming the kind of tablets desired, whereupon the clerk refilled the box, wrote something upon it, and gave it to W., who delivered them to the plaintiff. The latter was in a dark room at the time, and owing to the pain in her head, and because she assumed that the tablets were what she had requested, she swallowed one. The tablets were in fact antiseptic tablets and poisonous, and as a result of taking the tablet, plaintiff was made ill, and suffered greatly. Defendant's clerk testified that W. asked for antiseptic tablets; that he explained to W. that they were poisonous; and that he wrote the word "Poison" on the box containing the tablets. W. denied asking for antiseptic tablets and that the clerk made any statement that the tablets were poisonous. It was undisputed that the last tablets had on them in raised letters the word "Poison." It was also undisputed that they were returned in the original box which contained the antikamnia tablets, and that there was written on the box what some of the witnesses said was "Paid" and what some said was "Pois." The box did not have on it the skull and crossed bones. It was held that a verdict for the plaintiff was warranted by the evidence, and judgment in her favour was affirmed.