

*Corrosive Sublimate for Chlorodyne Tablets.*—The plaintiff recovered judgment for injuries resulting from the wrongful filling of a prescription by the defendant, by substituting corrosive sublimate tablets for chlorodyne tablets, as called for by the prescription. The defendant was a skilful and competent druggist, and when the tablets were returned to him by the physician, after plaintiff had taken one, he admitted that there had been a mistake, but claimed that at the time the store had been moved one of the firm who owned the store (not sued in this case) had, by mistake, put these tablets, which were large and white, into a bottle having on it the manufacturer's label "chlorodyne tablets;" that said member of the firm said to him that he "put those tablets in here," and that when the stock was moved "the tablets got mixed, or that bottle was mixed in with the others." It was contended for defendant that not only were the two bottles alike, that they were labeled "chlorodyne tablets," but that the tablets in the two bottles were alike in color, size and shape. To the contrary, the physician testified that the tablets in the two bottles shewn him by defendant were wholly and strikingly different in both color and size; that in one were large white tablets, marked "poison" in big letters on the tablets, and in the other were the real chlorodyne tablets, small and very dark green in color. Defendant denied that the word "poison" was stamped on the white tablets, but admitted that the genuine chlorodyne tablets with which he filled the prescription after discovery of the mistake were taken from the other one of the two bottles on the shelf labeled "chlorodyne tablets." There was evidence that chlorodyne tablets are of different colors, but no evidence of white ones. In sustaining judgment for plaintiff, the Court in part said: "It is inconceivable that, if he had given thoughtful attention to the matter, he could have failed to note the striking difference in the appearance of the tablets in the two bottles bearing the same label, and the extraordinary, if not unprecedented, fact that in one of them the supposed chlorodyne tablets were white. Yet, so far as appears, no special examination or effort was made to determine the real character of the white tablets, but, apparently without question or hesitation, they were delivered to the plaintiff as harmless medicine."