

3815. Misbranding of "Coe's Cough Balsam." U. S. v. * * * 3 Gross of * * * "Coe's Cough Balsam." Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6216. I. S. No. 1433-k. S. No. E-193.)

On January 13, 1915, 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 of the United States for said district a libel for the seizure and condemnation of 3 gross, more or less, of a product known as "Coe's Cough Balsam," remaining unsold in the original unbroken packages at Newburgh, N. Y., alleging that the product had been shipped and transported from the State of Connecticut into the State of New York, the shipment being received on or about April 23, 1914, and charging misbranding in violation of the Food and Drugs Act, as amended.

Misbranding of the product was alleged in the libel for the reason that the retail packages, cartons, and circulars, with which and in which said product was packed, contained the following statements as to the therapeutic effects of the said product, and of the ingredients and substances contained therein, to wit: (On carton and bottle label) "For croup, whooping cough, quinsy, asthma * * * catarrh and consumption." (In circular) "It never fails to cure whooping cough, croup, asthma * * *." "For whooping cough and croup it is the best remedy known." (On retail packages) "Coe's Cough Balsam. Each fluid ounce of Coe's Cough Balsam contains .12 of one grain of opium and 10 per cent of alcohol. For coughs, croup, whooping cough, quinsy, asthma, colds, tickling of the throat, hoarseness, catarrh and consumption. The C. G. Clark Co., Sole Proprietors, New Haven, Conn. (Directions in English and German);" whereas, in truth and in fact, an analysis of the said product showed the following results:

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| Specific gravity----- | 1.158 |
| Alcohol, by volume (per cent)----- | 8.7 |
| Methyl alcohol absent. | |
| Solids (per cent)----- | 38.3 |
| Ash (per cent)----- | 0.66 |
| Sucrose (per cent)----- | 31.2 |
| Reducing sugars (invert) per cent)----- | 4.6 |
| Opium declared per fl. oz. (grains)----- | 0.12 |
| Opium found per fl. oz. (grains)----- | 0.21 |
| Total salicylic and benzoic acids (per cent)----- | 0.05 |
| Ipecac, alkaloids present; licorice present; ammonium chlorid, a trace; no chloroform, bromids, iodids, or antimony. | |

And the product contained no ingredient, or combination of ingredients, capable of producing the therapeutic effects claimed in the statements upon the packages, cartons, bottle labels, and circulars as aforesaid. It was further alleged that the said statements set forth above were false and fraudulent, in that said product and the ingredients and substances contained therein were incapable of producing the therapeutic effects in said statements claimed. Misbranding was alleged for the further reason that the product was found to contain 0.21 grain[s] opium per fluid ounce, while the labels on the retail packages declared the presence of 0.12 grain[s] per fluid ounce.

On March 19, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VBOOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., May 8, 1915.