

4489. Misbranding of "Classe's Cough Syrup." U. S. * * * v. William P. Diggs (W. P. Diggs & Co.). Plea of guilty. Fine, \$10 and costs. (F. & D. No. 6590. I. S. No. 5288-h.)

On September 17, 1915, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against William P. Diggs, trading as W. P. Diggs & Co., St. Louis, Mo., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about November 1, 1913, from the State of Missouri into the State of Tennessee, of a quantity of "Classe's Cough Syrup," which was misbranded. The article was labeled: (On bottle) "Classe's Cough Syrup Alcohol: 8 Per Ct. For the Relief of Coughs, Colds, Croup, Whooping Cough, Hoarseness, Asthma and a most Beneficial Remedy in Consumption. Contains No Opium, Morphine, Chloroform or Dangerous Drugs Dose: For Adults, 1 to 2 teaspoonfuls. Children 1-2 to 1 teaspoonful. Directions on Wrapper Prepared Only By W. P. Diggs & Co. St. Louis, Mo." (On carton) "Classe's Cough Syrup Alcohol 8 Per Cent. Of Tar, Ext. Wild Cherry Bark, Glycerine, Honey & Tolu Compound. For Consumption, Coughs, Colds, Asthma, Bronchitis, Hoarseness, Loss of Voice, Dry Hacking Cough, Whooping Cough and a Reliable Remedy for Children with Croup In Consumption it Lessens the Cough and is Soothing to the Lungs. Price 25 Cts. Prepared only by W. P. Diggs & Co. St. Louis. Classe's Cough Syrup For Coughs, Colds and Consumption. Guaranteed by W. P. Diggs & Co. under the Food and Drugs Act, June 30th 1906—Serial No. 1434. This syrup is a most excellent Remedy for Coughs and Colds. It loosens the phlegm and is healing and soothing to the Lungs. Those who have Chronic, Hacking Coughs will obtain Relief from its use. Mothers will find it a good Remedy for their children in cases of Croup or Whooping Cough. Special Directions Enclosed." (Statement in German). (Top flap) W. P. Diggs Sole Proprietor Classe's Remedies." The circular or pamphlet accompanying the article contained, among other things, the following: "Classe's Cough Syrup (Alcohol 8 Per Cent) For the Relief of Coughs, Colds, Croup, Whooping Cough, Bronchitis, Asthma, Consumption, and all Irritation or Inflammation of the Lungs."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Nonvolatile matter (grams per 100 cc)-----	70.02
Ash (gram per 100 cc)-----	0.06
Sugars as sucrose (grams per 100 cc)-----	50.60
Sugars as invert (grams per 100 cc)-----	8.24
Alcohol (per cent by volume)-----	7.04
Glycerin (grams per 100 cc)-----	3.28
Tolu: Present.	
Wild cherry: Indicated.	
Odor of tar.	

Misbranding of the article was alleged in the information for the reason that the following statements regarding the therapeutic or curative effects thereof, appearing on the label aforesaid, to wit, (On bottle) "Classe's Cough Syrup * * * a most Beneficial Remedy in Consumption." (On carton) "Classe's Cough Syrup * * * for Consumption * * * Asthma * * * Whooping Cough and a Reliable Remedy for Children with Croup * * *," and included in the circular or pamphlet aforesaid, to wit, "Classe's Cough Syrup * * * For the Relief of * * * Croup, Whooping Cough, * * * Asthma, Consumption, and all * * * Inflammation of the Lungs," were false and

fraudulent in that the same were applied to the article knowingly, and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of purchasers thereof the impression and belief, that it was, in whole or in part, composed of, or contained, ingredients or medicinal agents effective, among other things, as a most beneficial remedy in consumption, as a remedy for consumption, as a remedy for asthma and whooping cough, as a reliable remedy for children with croup, and as a relief for croup, whooping cough, asthma, consumption, and all inflammation of the lungs, whereas, in truth and in fact, it was not, in whole or in part, composed of, and did not contain, such ingredients or medicinal agents.

On February 18, 1916, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*