

yellowish pellicle which causes such severe coughing in chronic bronchial catarrh to the secretion which the patients themselves will easily describe as loose and easy," were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On November 12, 1920, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

**8802. Misbranding of Gauvin's Cough Syrup. U. S. \* \* \* v. 23 Bottles of Gauvin's Cough Syrup. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 12708. I. S. No. 908-r. S. No. E-2229.)

On May 26, 1920, the United States attorney for the Northern 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 23 bottles of Gauvin's Cough Syrup, at Plattsburg, N. Y., alleging that the article had been shipped by J. A. E. Gauvin, Lowell, Mass., on or about July 4, 1919, and transported from the State of Massachusetts into the State of New York, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottle) "For 'La Grippe,' Whooping-Cough & all affections of the Throat and Lungs;" (cartons, English and French) "Recommended for 'La-Grippe,' Whooping-Cough and all Throat and Pulmonary Diseases \* \* \* A safe and active Remedy for all Diseases of the Respiratory Organs \* \* \* 'La Grippe,' Whooping-Cough and all Throat and Lung Diseases;" (circular) " \* \* \* Successfully used in all affections of the Throat, Bronchi and Lungs \* \* \* especially indicated and recommended in the treatment of all cases of Coughs, Colds, Catarrh, Asthma, Whooping-Cough, Influenza and in the first stages of consumption \* \* \* Tuberculosis \* \* \* ailments of the Chest \* \* \* Spasmodic Coughs \* \* \*;" (circular, French) " \* \* \* Used against all Affections of the Throat, Bronchi and Lungs \* \* \* Gauvin's Cough Syrup is fully indicated and recommended for the treatment of the most serious cases of Colds, Bronchitis, the most obstinate Catarrhs, Asthma, Whooping-Cough, Grippe, Hoarseness, Influenza and the first stages of Consumption \* \* \* Tuberculosis and \* \* \* Epidemic Grippe \* \* \* Diseases of Chest \* \* \* Gastric Disorders."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of extractives of wild cherry bark and spruce gum, sugar, alcohol, and water.

Misbranding of the article was alleged in substance in the libel for the reason that the aforesaid statements, printed upon the labels of the bottles and cartons and in the accompanying circular, were known by the shipper to be false and untrue, and that said statements regarding the curative and therapeutic effect of the article were false and untrue and fraudulent in that it contained no ingredient or combination of ingredients capable of producing the effects claimed.

On July 31, 1920, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*