

**9432. Misbranding of Gauvin's Cough Syrup and Sirop D'Anis (Sirup of Anise). U. S. \* \* \* v. 43 Bottles of Gauvin's Cough Syrup, et al., and 2½ Dozen Bottles of Sirop D'Anis, et al. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 12498, 12499, 12703, 12704, 12705, 12706, 12766, 12767, 12768, 12769, 12770, 12771. I. S. Nos. 304-r, 305-r, 344-r, 345-r, 347-r, 348-r, 482-r, 484-r, 485-r, 487-r, 478-r, 490-r. S. Nos. E-2136, E-2143, E-2225, E-2226, E-2227, E-2231, E-2274, E-2275, E-2276, E-2277, E-2279, E-2280.)

On May 25 and 29, 1920, the United States attorney for the District of New Hampshire, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of approximately 404 bottles of Gauvin's Cough Syrup and 752 bottles of Sirop D'Anis, at various places in New Hampshire, alleging that the articles had been shipped by J. A. E. Gauvin, Lowell, Mass., on various dates in 1916, 1917, 1919, and 1920, and transported from the State of Massachusetts into the State of New Hampshire, and charging misbranding in violation of the Food and Drugs Act, as amended. All the bottles of the Gauvin's Cough Syrup were labeled: (In English) "\* \* \* For \* \* \* 'La Grippe,' Whooping-Cough & all Affections of the Throat & Lungs." A portion of the cartons inclosing these bottles were labeled: (In 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." The circulars inclosed in these cartons contained the following: (In English) "\* \* \* Successfully used in all affections of the Throat, Bronchi and Lungs. \* \* \* especially indicated 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 \* \* \*;" (in French) "\* \* \* Used against all Affections of the Throat, Bronchi and Lungs. \* \* \* Gauvin's Cough Syrup is fully indicated for 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 \* \* \* Epidemic Grippe \* \* \* Disease of the Chest \* \* \* Gastric Disorders." Other cartons containing this article were labeled: (In English and French) "\* \* \* Recommended for \* \* \* 'la Grippe' Whooping Cough and all Throat and Pulmonary Diseases. \* \* \* for all Diseases of the Respiratory Organs \* \* \*." Circulars inclosed in these cartons included the following: (In English and French) "\* \* \* the greatest possibilities of a radical cure. \* \* \* highly recommended for all Affections Of The Respiratory Organs. \* \* \* its persistent use produces a beneficent relief in serious as well as desperate cases. \* \* \* a remedy for all Affections of the Respiratory Organs: Throat, Bronchial Tubes and Lungs. \* \* \* the use of Gauvin's Syrup in the treatment of more severe cases of \* \* \* Catarrh, as well as Asthma, Whooping-Cough, La Grippe, Hoarseness and Influenza have proven conclusively the efficacy of this remedy. \* \* \* especially appropriate for the treatment of pulmonary diseases, because it constitutes the best antiseptic combination to check the progress of microbes in the respiratory organs, \* \* \* it will relieve the worst cases \* \* \* " A portion of the bottles containing the Sirop D'Anis were labeled: (In English) "\* \* \* For Babies \* \* \* This preparation is highly recommended in cases of Colic, Dysentery, Sleeplessness and painful dentition \* \* \*," (in French) "For Babies This syrup is administered in cases of Colic, Diarrhea, Dysentery, painful Dentition, Sleeplessness, Coughs, Colds, etc." The wrappers about these bottles were labeled: (In English) "\* \* \*

For Babies \* \* \* This Syrup is administered for Infantile Colics, Dysentery, Coughs, Colds, Sleeplessness, etc.," (in French) "For Babies This syrup is administered in cases of Colic, Diarrhea, Dysentery, Painful Dentition, Coughs, Colds, Sleeplessness, etc." The circulars accompanying these bottles contained the following: (In English) "\* \* \* (For Babies) \* \* \* A preparation for soothing pain in cases of Colic, Dysentery, Coughs, Colds and Sleeplessness, Recommended for babies and children when the process of dentition is painful," (in French) "\* \* \* For Babies \* \* \* A preparation for soothing pain in cases of Colic, Dysentery, Colds, and Chills (Refroidissements). Recommended for babies and children when dentition is painful and when wanting sleep." The remainder of the Sirop D'Anis was labeled in English upon the bottles: "For Babies. \* \* \* A preparation for soothing pain in cases of Colic, Dysentery, Coughs & Colds, recommended for babies and children when process of dentition is painful."

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the cough sirup consisted essentially of extractives of wild cherry bark and spruce gum, sugar, alcohol, and water, and that the sirup of anise consisted essentially of morphine acetate, oil of anise, sugar, alcohol, and water.

It was alleged in substance in the libels that the articles were misbranded for the reason that the above-quoted statements, regarding the curative and therapeutic effects of the articles, appearing upon the bottles, wrappers, and circulars, were false and fraudulent for the reason that the products contained no ingredients or combination of ingredients capable of producing the effects claimed.

On May 31, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

C. W. PUGSLEY,  
*Acting Secretary of Agriculture.*

**9433. Misbranding of Tratamiento Zendejas. U. S. \* \* \* v. 6 Bottles and 180 Bottles \* \* \* of Tratamiento Zendejas. Tried to the court. Verdict for the Government. Product ordered destroyed.**  
(F. & D. Nos. 12566, 12577. I. S. Nos. 5004-r, 5006-r. S. Nos. W-591, W-595.)

On April 7 and April 8, 1920, the United States attorney for the District of Arizona, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 6 bottles and 180 bottles, more or less, respectively, of Tratamiento Zendejas, remaining in the original unbroken packages at Tucson and Phoenix, Ariz., respectively, and on April 19, 1920, the said United States attorney filed an amended libel with respect to the 6 bottles of the product, alleging that the article had been shipped by Panfilo Zendejas, Los Angeles, Calif., on or about March 13 and March 23, 1920, respectively, and transported from the State of California into the State of Arizona, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of an aqueous solution containing potassium iodid, sugar, and plant extractives.

Misbranding of the article was alleged in substance in the libels for the reason that the following statements, regarding the curative and therapeutic effects of the said article, appearing on the label attached to the bottles containing the article, on the wrapper around the said bottles, and in accompanying folders, to wit, (bottle, in Spanish) "Tratamiento Zendejas A Strong Purifier of the Blood For Rheumatism, Constipation, Kidney Troubles,