

was labeled in part: "Bungalow Delightful Fountain Chocolate The Regent Chocolate Company Baltimore, Maryland \* \* \* Contents One Gallon."

Analysis by the Bureau of Chemistry of this department of a sample of the article showed that it was a chocolate flavored sirup containing about 5 per cent undeclared glucose. Examination by said bureau of a sample of the article showed that it was short volume.

It was alleged in substance in the libels that the article was adulterated in violation of section 7 of the act, paragraph 2 under "Food," in that its quality was lower than declared on the labels.

Misbranding was alleged for the reason that the statements "Contents One Gallon," "Chocolate Fountain Syrup" were false and misleading and deceived and misled the purchaser, for the further reason that the article was offered for sale under the distinctive name of another article, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 7, 1925, no claimant having appeared for the property, decrees of the court were entered, adjudging the product adulterated and misbranded and ordering that it be destroyed by the United States marshal.

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

**13858. Misbranding of Dr. J. S. Rose's whooping cough remedy. U. S. v. 34 Bottles of Dr. J. S. Rose's Whooping Cough Remedy. Default order of destruction entered. (F. & D. No. 19905. S. No. E-5168.)**

On March 18, 1925, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 34 bottles of Dr. J. S. Rose's whooping cough remedy, remaining unsold in the original packages at Richmond, Va., alleging that the article had been shipped by Aschenbach & Miller, Inc., from Philadelphia, Pa., on or about January 6, 1925, and transported from the State of Pennsylvania into the State of Virginia, and charging misbranding in violation of the food and drugs act as amended.

Analysis by the Bureau of Chemistry of this department of a sample of the article showed that it contained sirup, potassium nitrate, arsenic, and a cyanide.

Misbranding of the article was alleged in the libel for the reason that the following statements: (Carton) "Whooping Cough Remedy \* \* \* Symptoms of Whooping Cough. It comes on with a slight cough gradually increasing until the patient is almost suffocated; the eyes swell and sometimes the whole face, the nose runs, there is more or less fever and each spell of coughing ends in vomiting, which produces a short respite from suffering, or perfect and complete intermission from all symptoms. \* \* \* Whooping Cough—What is it? Physicians have unanimously come to the conclusion that Whooping Cough is not only clearly spasmodic, but may, if neglected, often run into other diseases—as Chronic Inflammation of the Lungs, Consumption and often Dropsy of the Chest. These terminations of the disease, however, they all admit, are only possible when badly treated or left to itself—believing it must run the course of many months, and which it unfortunately often does, if treated in the ordinary way. Discovering early in my practice the disease thus maltreated or misunderstood, I determined to study its Pathology, or nature, and having discovered this, I invented this Compound, since which time I have seldom seen a case last over one or two weeks—relieving after the first day (producing marked improvement) and leaving no bad effect from the disease. \* \* \* In Whooping Cough it is not only necessary to use medicine that will cause expectoration, but it must also remove spasm of the air-cells, and be Tonic in its nature to prevent the frequent returns and long continuation of coughing. Therefore, having always relieved the spasms of Whooping Cough with this Remedy, we most strongly recommend it to all who have now, or may have hereafter, Whooping Cough," (bottle) "Whooping Cough Remedy," borne on the labels, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On October 12, 1925, no claimant having appeared for the property, judgment of the court was entered, finding the product misbranded and ordering its destruction by the United States marshal.

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