

The article was labeled in part: (Carton) "Lion Brand Pure Lemon Extract specially prepared by the Okay Extract Co., New York. We guarantee the contents of this package to be satisfactory in every way;" (bottle) "Lion Brand Pure Lemon Extract specially prepared by the Okay Extract Co., New York."

Adulteration of the article was alleged in the libel for the reason that dilute alcohol containing a trace of citral product had been mixed and packed with said lemon extract so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted wholly or in part for the article.

Misbranding was alleged for the reason that the printing and labels hereinbefore quoted were false and misleading and deceived and misled purchasers of the article, for the further reason that the article was an imitation of, and offered for sale under the name of, another article, and for the further reason that it was food in package form, and the quantity of the contents of said packages was not plainly and conspicuously marked on the outside thereof.

On December 1, 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.*

**8811. Misbranding of Gauvin's Cough Syrup and Sirop D'Anis (sirup of anise). U. S. \* \* \* v. 222 Bottles of Sirop D'Anis and 168 Bottles and 18 Bottles of Gauvin's Cough Syrup. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 12664, 12665, 12666, 12667, 12668. I. S. Nos. 901-r, 903-r, 904-r, 909-r, 907-r. S. Nos. E-2186, E-2187, E-2164, E-2179, E-2180.)

On May 22, 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 libels for the seizure and condemnation of certain quantities of drugs, as follows, 132 bottles at Ogdensburg, N. Y., 36 bottles at Malone, N. Y., and 18 bottles at Albany, N. Y., of Gauvin's Cough Syrup, shipped on or about August 26, 1919, and on or about March 1, 1920, and 36 bottles and 186 bottles at Ogdensburg, of Sirop D'Anis, shipped on or about August 30, 1919, alleging that the articles had been shipped by J. A. E. Gauvin, Lowell, Mass., 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 Gauvin's Cough Syrup was labeled in part: (Ogdensburg and Malone consignments) (bottle) "For \* \* \* La Grippe; Whooping Cough & all affections of the Throat and Lungs;" (carton, 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;" (Albany consignment) (bottle) "For

La Grippe, Whooping-Cough & all affections of the Throat & Lungs;" (carton, English and French) "Recommended for 'La Grippe,' Whooping-Cough and all Throat and Pulmonary Diseases \* \* \* for all Diseases of the Respiratory Organs;" (circulars, 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 \* \* \* 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 \* \* \*." The Sirop D'Anis was labeled in part: (Bottle) "For Babies \* \* \* This preparation is highly recommended in cases of Colic, Dysentery, Sleeplessness and painful dentition \* \* \*;" (French) "For Babies \* \* \* This syrup is administered in cases of Colic, Diarrhea, Dysentery, Painful Dentition, Sleeplessness, Coughs, Colds, etc. \* \* \*;" (wrapper) "For Babies \* \* \* This syrup is administered for Infantile Colics, Dysentery, Coughs, Colds, Sleeplessness, etc. \* \* \*." (French) "For Babies \* \* \* This syrup is administered in cases of Colic, Diarrhea, Dysentery, Painful Dentition, Coughs, Colds, Sleeplessness, etc. \* \* \*;" (circular) "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," (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."

Analysis 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.

Misbranding of the articles was alleged in substance in the libels for the reason that the aforesaid statements, regarding the curative and therapeutic effect of said articles, were false and untrue and fraudulent in that they contained no ingredient or combination of ingredients capable of producing the effects claimed.

On July 31, 1920, 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.

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

**SS12. Misbranding of Gauvin's Cough Syrup. U. S. \* \* \* v. 10 $\frac{1}{2}$  Dozen and 12 Dozen Bottles of Gauvin's Cough Syrup. Default decree of condemnation, forfeiture, and destruction.** (F. & D. Nos. 12669, 12670. I. S. Nos. 18586-r, 18584-r. S. Nos. E-2181, E-2182.)

On June 21, 1920, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 10 $\frac{1}{2}$  dozen and 12 dozen bottles of Gauvin's Cough Syrup, consigned by J. A. E. Gauvin, Lowell, Mass., remaining unsold in the original unbroken packages at Brunswick, Me., alleging that the article had been shipped on or about October 9,