

condemnation of 25 bottles of Gauvin's Cough Syrup, at Ogdensburg, N. Y., alleging that the article had been shipped on or about August 30, 1919, 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 article was labeled: (Bottles, English) "For 'La Grippe,' Whooping Cough & all affections of the Throat & Lungs;" (cartons) "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, 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 * * * Coughs * * *;" (circular, 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 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, spruce gum, sugar, alcohol, and water.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements printed on the bottles and cartons, regarding the curative and therapeutic effects of the article when administered, were false and fraudulent in that the article 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.*

8689. Adulteration of tomato purée. U. S. * * * v. 100 Cases of Canned Tomato Purée. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 12657. I. S. No. 7283-r. S. No. C-1940.)

On May 26, 1920, the United States attorney for the Western District of Kentucky, 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 100 cases, each containing 48 cans of tomato purée, remaining unsold in the original unbroken packages at Louisville, Ky., alleging that the article had been transported in interstate commerce from Austin, in the State of Indiana, into the State of Kentucky, and charging adulteration in violation of the Food and Drugs Act. The article was labeled, "Puree" (design of whole ripe tomato) "shipped by Morgan Packing Co., Austin, Ind. * * * Minimum Weight 8 Oz. Austin Canning Co. Austin, Ind."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance.

On July 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.*