

**4381. Misbranding of "The-Best Cough Remedy." U. S. \* \* \* v. Davies, Rose & Co., (Ltd.) a corporation. Plea of nolo contendere. Fine, \$50. (F. & D. No. 6072. I. S. No. 4648-e.)**

On March 11, 1915, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Davies, Rose & Co., (Ltd.), a corporation, Boston, Mass., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about January 10, 1913, from the State of Massachusetts into the State of Pennsylvania, of a quantity of "The-Best Cough Remedy," which was misbranded. The article was labeled: (On carton) "The-Best Cough Remedy Alcohol 3½ per cent. Opium 1 grain. Chloroform 2¼ minims. In Each Ounce For the various affections of the Lungs and Throat, such as Colds, Coughs, Croup, Asthma, Influenza, Hoarseness, Bronchitis and Incipient Consumption, and for the relief of Consumptive patients in advanced stages of the disease. It relieves pain or soreness in the chest, promotes expectoration, and is without a doubt an excellent Cough Medicine. Shake the Bottle Before Using Price 75 Cents Davies, Rose & Co., Ltd. Manufacturing Chemists, Boston, Mass. Serial No. 3948 guaranteed by manufacturer." (On sides of carton) "This is The Best Cough Remedy — Every Dose Effective Price 75 Cents. Don't let a dealer sell you something else because he makes more profit. This is The-Best." (On bottle) "The-Best Cough Remedy Alcohol 3½ per cent. Opium 1 grain Chloroform 2¼ minims. In each ounce. For affections of the Throat and Lungs Directions. Shake thoroughly before taking. For an adult, 1 teaspoonful 3 or 4 times a day; taken upon retiring it prevents coughs while lying down and insures a good night's rest. For a child 2 years old, 10 drops; 6 years old, half a teaspoonful. Take it strictly according to directions. Davies, Rose & Co., Ltd. Mfg. Chemists, Boston, Mass. Serial No. 3948. The-Best Cough Remedy. Every Dose Effective."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Alcohol, by specific gravity (per cent) .....	2.9
Ash (per cent) .....	0.2
Chloroform and alkaloids: Present.	
Morphine: Indicated.	
Ammonium compounds, glycerin, and cyanids: Absent.	

Product consists of a sirup smelling and tasting like spearmint.

Misbranding of the article was alleged in the information for the reason that the following statements regarding the therapeutic or curative effects thereof, appearing on the label aforesaid, to wit, "The-Best Cough Remedy \* \* \* For the various affections of the Lungs and Throat, such as \* \* \* Croup, Asthma, Influenza, \* \* \* Bronchitis and Incipient Consumption, and for the relief of Consumptive patients in advanced stages of the disease," were false and fraudulent in that the same were applied to said article knowingly, and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of purchasers thereof the impression and belief, that it was, in whole or in part, composed of, or contained, ingredients or medicinal agents effective, among other things, as a remedy for the various affections of the lungs and throat, such as asthma, influenza, an incipient consumption, and effective for the relief of consumptive patients in advanced stages of the disease, when, in truth and in fact, it was not so composed, and did not contain such ingredients or medicinal agents.

On September 14, 1915, the defendant company entered a plea of nolo contendere to the information, and the court imposed a fine of \$50.

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