

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Tin container) "It saves the teeth \* \* \* for Mouth Health \* \* \* Hardens Soft and Bleeding Gums;" (circular) "It saves the teeth \* \* \* there is little excuse for Pyorrhea \* \* \* the dental profession recognizes Pyorrhea as a condition followed by a complex infection. You can aid your dentist in relieving the condition and preventing the infection by using Pycope Tooth Powder and Brush. Pyorrhea is a gum disease. You may have beautiful white teeth and yet have Pyorrhea. The correct use of Pycope Tooth Powder and Brush promotes mouth health by raising the natural resistance to the infection. Brush your teeth and massage your gums with these products for three minutes twice each day. Pycope Products are endorsed by many hundreds of progressive dentists. These authorities, whose knowledge is beyond question, are your assurance of its effectiveness."

On June 20, 1931, Pycope (Inc.), Joplin, Mo., intervener, having withdrawn its claim and answer, and the court having found that the product was misbranded as alleged in the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the said product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**18465. Misbranding of Lung Saver cough syrup. U. S. v. 11 1/12 Dozen Bottles, et al., of Lung Saver Cough Syrup. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 25096, 25179. I. S. Nos. 3448, 5155. S. Nos. 3380, 3431.)**

Examination of a drug product, known as Lung Saver cough syrup, showed that the labels of the bottles containing the article, and a wholesale carton inclosing a portion of the said bottles, bore statements representing that the article possessed curative and therapeutic properties which it did not possess. Examination further showed that a portion of the article bore an incorrect declaration of the quantity of chloroform contained therein.

On September 5 and October 8, 1930, the United States attorney for the District of Delaware, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 15 dozen bottles of Lung Saver cough syrup, remaining in the original unbroken packages at Wilmington, Del., alleging that the article had been shipped by the Lung Saver Co., from Philadelphia, Pa., in part on or about June 5, 1930, and in part on or about August 26, 1930, and had been transported from the State of Pennsylvania into the State of Delaware, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of chloroform (1.86 minims per fluid ounce), menthol, anise oil, licorice, sugar, and water.

It was alleged in the libels that the article was misbranded in that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label) "Lung Saver \* \* \* The Lung Saver Co. \* \* \* Lung Saver for Coughs \* \* \* Hoarseness, Bronchitis, Grippe, Tightness of the chest, Asthma, Colds, Whooping Cough and Croup \* \* \* For Asthma and Bronchitis \* \* \* To stop a cough at night \* \* \* Lung Saver;" (wholesale carton inclosing portion of the product) "Lung Saver The Good Cough Syrup The Lung Saver Co." Misbranding was alleged with respect to a portion of the article for the further reason that the package failed to bear a statement on the label of the quantity or proportion of chloroform contained therein, since the label declared 7 minims of chloroform per fluid ounce, and analysis showed that but 1.86 minims per fluid ounce were present.

On November 7, 1930, and April 20, 1931, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*