

On September 25, 1933, 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.

M. L. WILSON, *Acting Secretary of Agriculture.*

**21532. Misbranding of French's White Pine and Cherry Compound Cough Syrup. U. S. v. 70 Bottles of French's White Pine and Cherry Compound Cough Syrup. Default decree of condemnation and destruction. (F. & D. no. 30773. Sample no. 42174-A.)**

Examination of the drug preparation involved in this case disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. The article was labeled to convey the impression that it was composed of roots, barks, and herbs, whereas an inorganic drug, ammonium chloride, was an important ingredient.

On or about August 8, 1933, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 70 bottles of French's White Pine and Cherry Compound Cough Syrup at Miles City, Mont., alleging that the article had been shipped in interstate commerce, on or about March 15, 1932, by the Atlantic Sales Corporation, from Rochester, N.Y., 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 extracts of plant drugs including wild cherry and ipecac, ammonium chloride, menthol, alcohol, sugar, and water.

It was alleged in the libel that the article was misbranded in that the statements in the labeling, "French's White Pine and Cherry Compound Cough Syrup \* \* \* A cough Syrup made from roots, barks and herbs \* \* \* is prepared from barks and other vegetable drugs", were misleading in view of the actual composition of the product, which included ammonium chloride as an ingredient. Misbranding was alleged for the further reason that the following statements on the cartons and bottles, regarding the curative and therapeutic effects of the article, were false and fraudulent: (Carton) "Recommended for Coughs, Hoarseness \* \* \* Bronchial colds, Bronchitis, and Inflammation of the air passages \* \* \* for coughs, hoarseness"; (bottle) "For Coughs, Bronchial Colds, Bronchitis, Croup and Hoarseness \* \* \* Dose for Grown Persons \* \* \* in severe cases \* \* \* In Croup \* \* \* in severe cases."

On September 25, 1933, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

**21533. Misbranding of Rogers' Headache Soda. U. S. v. 120 Packages of Rogers' Headache Soda. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30955. Sample no. 49469-A.)**

This case involved a drug product labeled to convey the impression that soda was the important therapeutic agent. Analysis showed that the article contained acetanilid and caffeine, to which could be ascribed its therapeutic action. The label of the article bore an incorrect declaration of the acetanilid, also unwarranted curative and therapeutic claims.

On August 19, 1933, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 120 packages of Rogers' Headache Soda at St. Louis, Mo., alleging that the article had been shipped in interstate commerce, on or about May 23, 1933, by the Rogers Drug Co., from Memphis, Tenn., 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 acetanilid (226 grains per ounce, 3.3 grains per average powder), caffeine, and sodium bicarbonate.

It was alleged in the libel that the article was misbranded in that the name of the article, "Headache Soda", was false and misleading, since soda did not represent the active ingredient upon which its physiological effect would depend. Misbranding was alleged for the further reason that the package failed to bear a statement on the label of the quantity or proportion of acetanilid contained in the article, since the declaration on the carton and on the envelop was incorrect. Misbranding was alleged for the further reason that