

the name and place of business of the manufacturer, packer, or distributor, nor a statement of the quantity of the contents; (2) in that it was fabricated from two or more ingredients and its label did not bear the common or usual name of each active ingredient; and (3) in that its labeling did not bear adequate directions for use, since the envelopes bore no directions at all.

On March 3, 1942, pleas of guilty having been entered on behalf of the defendants, the court imposed a fine of \$250 and costs, which was applicable to both defendants.

729. Misbranding of Merlek Mineral Water. U. S. v. Michael Lee (Lee Bros.).
Plea of nolo contendere. Fine, \$1,000. Defendant placed on probation
for 5 years. (F. D. C. No. 5527. Sample No. 7399-E.)

This product consisted of sea water to which had been added a small amount of potassium iodide. Its labeling bore false and misleading claims regarding its mineral content and its efficacy in conditions of impaired health resulting from mineral deficiency.

On January 3, 1942, the United States attorney for the Northern District of California filed an information against Michael Lee, trading as Lee Bros., Oakland, Calif., alleging shipment on or about May 18, 1940, from the State of California into the State of Arizona of a quantity of Merlek which was misbranded.

The article was alleged to be misbranded in that the statements, "Contains Parts Per Million (Approximate Analysis) Sodium & Potassium Chlorides: 28924.7 Magnesium Chloride: 3286.9 Magnesium Sulphate: 3106.7 Calcium Sulphate: 857.3 Calcium Chloride: 573.0 * * * Magnesium Bromide: 76.0 Alkaline Nitrates: 42.5 Traces of Phosphorus, Boron, Silica, Sodium Fluoride, Iron Oxide, Aluminum Oxide * * * Merlek is sold only to help supply minerals for mineral deficiency," borne on the label, were false and misleading since they represented and suggested that it contained the above-named minerals in amounts sufficient to contribute in an important respect to the requirements of the body for such minerals, and that it would be efficacious in conditions of impaired health resulting from deficiency of said minerals; whereas it would not contribute in an important respect to the requirements of the body for such minerals since it contained inconsequential amounts of minerals and would not be efficacious in conditions of impaired health resulting from deficiency of such minerals. It was alleged to be misbranded further in that its labeling was misleading since it failed to reveal the fact, material in the light of the representations in the labeling, that it consisted of sea water to which had been added a small amount of potassium iodide.

The article was also alleged to be misbranded under the provisions of the law applicable to foods, as reported in F. N. J. No. 3839.

On June 9, 1942, the defendant entered a plea of nolo contendere and the court imposed a fine of \$1,000 and placed the defendant on probation for 5 years.

730. Misbranding of Hoyt's Compound. U. S. v. Herman P. Doyle, Verne N. Seeley, and Fred D. Grantham (Hoyt Chemical Co.). Pleas of guilty.
Fines, \$600. (F. D. C. No. 6462. Sample No. 52314-E.)

On May 11, 1942, the United States attorney for the District of Colorado filed an information against Herman P. Doyle, Verne N. Seeley, and Fred D. Grantham, trading as the Hoyt Chemical Co. at Denver, Colo., alleging shipment on or about May 27, 1941, from the State of Colorado into the State of Washington of a quantity of Hoyt's Compound that was misbranded.

Analysis of a sample of the article showed that it consisted essentially of extracts of plant drugs including a laxative drug, alcohol, and water.

It was alleged to be misbranded in that representations in the labeling that it would be efficacious in the treatment of indigestion, sour stomach, gas, bloating, nervousness, excitability, skin and blood diseases, stomach trouble, constipation, run-down condition, sleeplessness, belching and burning sensation in the throat and stomach, pains in the hips and legs, gas and pressure around the heart, dizziness, lump in the stomach, twitching, jerking, spots before the eyes, and knotty sensation in the stomach; that it would be efficacious to prevent suffering after meals and to quiet the nerves and restore health; that it would be efficacious in the relief of suffering from stomach, bowels, and kidneys; that it would be efficacious to prevent getting up nights caused by kidney affections, to produce gain in weight, to cleanse the bowels and leave the intestinal tract pure and clean and free of poisonous waste matter, and to make the bowels normal; that it would be efficacious in the treatment of all kinds of aches and pains and disorders of the general health; and that it was a wonderful treatment for poor health

and tired and run-down conditions; were false and misleading since it would not be efficacious for such purposes.

On May 15, 1942, the defendants entered pleas of guilty and the court fined each one \$200.

731. Misbranding of Renair Pomade. U. S. v. Frederick Godfrey (Adams Products Co.). Plea of guilty. Fine, \$300. (F. D. C. No. 4183. Sample No. 83157-E.)

The labeling of this product bore false and misleading representations regarding its efficacy as a treatment for baldness or thinning and falling hair.

On February 12, 1942, the United States attorney for the Northern District of New York filed an information against Frederick Godfrey, Adams, N. Y., alleging shipment, in the name of the Adams Products Co., on or about May 14, 1940, from the State of New York into the State of New Jersey of a quantity of Renair Pomade which was misbranded. The article was labeled in part as follows: (Jars) "Renair Pomade and Massage Stimulate the Scalp. * * * For Thinned Areas. * * * For Falling Hair."

Analysis showed that the article was an amber-colored ointment containing betanaphthol and volatile oils with cedar-like odor in small amount incorporated in a base consisting chiefly of petrolatum and a smaller amount of fatty material.

The article was alleged to be misbranded in that its labeling bore representations that, when used alone or in conjunction with certain pulling, massaging, and kneading treatments recommended in the labeling, it would produce beneficial effects in the treatment of baldness, falling hair, and thinned hair, whereas it would not produce the beneficial effects claimed for it in the labeling, whether used alone or in conjunction with such treatments.

On April 20, 1942, the defendant entered a plea of guilty and the court imposed a fine of \$300.

732. Misbranding of Betene. U. S. v. 350 Cans and 130 Cans of Betene. Decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 6877. Sample No. 64672-E.)

On February 16, 1942, the United States attorney for the Western District of Pennsylvania filed a libel (amended March 21, 1942) against 480 cans of Betene at Rochester, N. Y., alleging that the article had been shipped in interstate commerce on or about November 25, 1941, from Rochester, N. Y., by the L. H. Stewart Corporation; and charging that it was misbranded.

Analysis of a sample of the article showed that it consisted essentially of a mixture of dried skim milk, dried egg yolk, soya bean tissues, wheat bran, wheat germ, salt, agar agar, calcium phosphate, chondrus (Irish moss), and saccharin, flavored with cocoa, vanillin, and coumarin, together with certain added vitamin substances.

The article was alleged to be misbranded in that statements in the labeling which represented and suggested that when consumed as directed, it would cause an increase in weight, would give vigor and vitality to the user and that it constituted a sure, sane, safe, and effective way to reduce, were false and misleading since its use would not accomplish such results.

It also was alleged to be misbranded under the provisions of the law applicable to foods, as reported in F. N. J. No. 3840.

On May 21, 1942, the L. H. Stewart Corporation having appeared as claimant, and having admitted that the allegations of the libel were substantially correct, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled under the supervision of the Food and Drug Administration.

733. Misbranding of Camelline. U. S. v. 9 Dozen Bottles of Camelline. Default decree of condemnation and destruction. (F. D. C. No. 6948. Sample No. 63431-E.)

On March 7, 1942, the United States attorney for the District of Oregon filed a libel against the above-named product at Portland, Oreg., alleging that it had been shipped on or about August 28, 1941, by Walter M. Willett from San Francisco, Calif.; and charging that it was misbranded.

Analyses of samples of the article showed that it consisted essentially of calcium carbonate, bismuth, subcarbonate, alcohol, and water.

The article was alleged to be misbranded in that statements on the bottle label and in an accompanying circular suggesting and representing that it was efficacious in preventing tooth decay, freckles, sunburn, poison ivy, poison oak, and in relieving the irritation caused by poison oak and poison ivy, were false and misleading since it would not be efficacious for such purposes.