

On October 2, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

DRUGS ACTIONABLE BECAUSE OF FAILURE TO BEAR ADEQUATE DIRECTIONS OR WARNING STATEMENTS

854. Misbranding of Indian Antiseptic Hair and Scalp Stimulator. Adulteration and misbranding of Eez-all Germicide for the Skin. U. S. v. Adolph F. Frick. Plea of nolo contendere. Fine, \$300. (F. D. C. No. 6441. Sample Nos. 22596-E, 22597-E.)

On April 1, 1942, the United States attorney for the Northern District of California filed an information against Adolph F. Frick, San Francisco, Calif., alleging shipment on or about April 3, 1941, of a quantity of the above-named products from the State of California into the State of Nevada.

Analysis of a sample of Indian Antiseptic Hair and Scalp Stimulator showed that it consisted essentially of small proportions of a phenolic compound and free ammonia, alcohol, and water.

The article was alleged to be misbranded in that the statements, "Indian * * * Hair and Scalp Stimulator for dandruff—itching scalp—falling hair—eczema, etc. * * * For itching scalp, dandruff, falling hair, eczematous condition," and the designs of an Indian head, arrows, and Indian scenes appearing on the label, were false and misleading since they represented and suggested that the article consisted solely of substances used by the Indians, and that it would be efficacious as a hair and scalp stimulator, in the treatment of dandruff, itching scalp, falling hair, eczema, and other eczematous conditions, whereas it contained ingredients unknown to the Indians and would not be efficacious for the conditions represented.

It was alleged to be misbranded further in that it was in package form and the label did not bear an accurate statement of the quantity of contents. It was also misbranded 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.

Analysis of a sample of Eez-all Germicide for the Skin showed that it consisted essentially of small proportions of a phenolic compound and free ammonia, alcohol, and water. Bacteriological examination showed that the article was neither an antiseptic nor a germicide. The article was alleged to be adulterated in that its strength differed from that which it purported and was represented to possess, and in that it purported and was represented to be a germicide, whereas it was not a germicide. It was alleged to be misbranded (1) in that the statement, "Eez-all Germicide for the Skin For Cuts, Bruises, Burns, Itching, Poison Oak, Athlete's Foot, Throat, and Gums," was false and misleading as it represented that the article would bring about ease and relief from pain and discomfort, implied in the expression "Eez-all," and that it was a germicide and effective for the conditions mentioned, whereas the drug was not a germicide and was not effective for the conditions indicated; (2) in that it was fabricated from two or more ingredients and its label did not bear the common name or usual name of each active ingredient; and (3) in that its label did not bear adequate directions for use.

On October 17, 1942, after entry of a plea of nolo contendere, the defendant was fined \$100 on each of the 3 counts contained in the information.

855. Misbranding of Ru-Ma-Dol, McDades Prescription, Moe-Pep, and Allan's Red Wash. Adulteration and misbranding of Allan's Gland Capsules. U. S. v. Allan & Co., Inc., and John G. Ayars. Plea of nolo contendere. Fine, \$150. (F. D. C. No. 7298. Sample Nos. 67928-E, 67932-E, 71214-E, 71216-E, 71217-E.)

On October 2, 1942, the United States attorney for the Eastern District of Missouri filed an information against Allan & Co., Inc., St. Louis, Mo., and John G. Ayars, alleging shipment on or about September 18, 20, and 27, and October 1, 1941, from the State of Missouri into the States of Arkansas and Tennessee of quantities of the above named products.

Analysis of a sample of Ru-Ma-Dol showed that it consisted essentially of sodium salicylate and extracts of plant drugs, including an alkaloid-bearing drug, alcohol, glycerine, and water. The article was alleged to be misbranded in that statements in the labeling regarding the efficacy of the drug in the cure, mitigation, treatment, or prevention of rheumatism, neuralgia, neuritis, pain, and swelling, and in the relief of symptoms of rheumatism, neuralgia, and neuritis, were false and misleading, since the product was not efficacious for these purposes.