

Calif., alleging that the articles had been shipped by the Bates Laboratories, Inc., between the approximate dates of March 31, 1943, and January 17, 1944, from Chicago, Ill.

The articles were alleged to be misbranded in that certain statements in the labeling were false and misleading since the articles, either singly or in combination, would not fulfill the promises of benefit expressed or implied in the labeling.

They were also alleged to be misbranded under the provisions of the law applicable to foods, as reported in notices of judgment on foods, No. 7910, in which the false and misleading statements referred to above are set forth in full.

On October 2, 1944, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

1391. Misbranding of hair preparations. U. S. v. 13 Packages of Junior Beginners Assortment Parker Herbex Preparations. Default decree of condemnation and destruction. (F. D. C. No. 12263. Sample Nos. 56984-F to 56999-F, incl.)

On May 6, 1944, the United States attorney for the District of New Jersey filed a libel against 13 packages of an article labeled, in part, "Junior Beginners Assortment Parker Herbex Preparations," at Newark, N. J., alleging that the article had been shipped on or about October 2, 1942, by the New York Hair Co., from New York, N. Y.

Each package of the article contained one each of a number of hair preparations labeled "Areata Salve," "Special Pink Ointment," "Special White Ointment," "Standard Yellow Ointment," "Conditioner No. 3," "No. 2," "Special Tincture Mullein," "Special Tincture Jaborandi," "G. O. S. Shampoo," "No. 1," "Hair Softener," "Triple X," "Areata Special," "Special Tincture Capsicum," "Specially Prepared Bluing," and "Exite," and printed matter including a circular entitled "Hair Hygiene For Hairdressers and How To Use Herbex," a 152-page booklet entitled "Official Operator's Copy of the 1942 Edition of the Parker Herbex Manual," and a chart entitled "Handy Operator's Guide for Parker Herbex Hair and Scalp Treatments." The packages were accompanied by a number of charts entitled "Parker Herbex Professional's Chart," one of which was included with each sale of the packages.

Examination of samples showed that the Areata Salve consisted essentially of small proportions of chrysarobin, sulfur, and salicylic acid in a perfumed petrolatum base; that the Special Pink Ointment consisted essentially of thymol, salicylic acid, sulfur, and glycerin in a petrolatum base; that the Special White Ointment consisted essentially of a perfumed petrolatum ointment with little, if any, cantharides; that the Standard Yellow Ointment consisted essentially of a perfumed mixture of sulfur and salicylic acid in a petrolatum base with little, if any, cantharides; that the Conditioner No. 3 consisted essentially of chloral hydrate, glycerin, water, and little, if any, cantharides; that the No. 2 consisted essentially of alcohol, water, and extracts of plant drugs including little, if any, capsicum and cantharides; that the Special Tincture Mullein consisted essentially of alcohol, water, and extract of plant materials such as mullein; that the Special Tincture Jaborandi consisted essentially of alcohol, water, and extract of plant material; that the G. O. S. Shampoo consisted essentially of water, soap, and glycerin; that the No. 1 consisted essentially of alcohol, water, and extracts of plant drugs such as soap bark; that the Hair Softener consisted essentially of water, a sulfonated oil, glycerin, and sodium carbonate; that the Triple X consisted essentially of perfume, alcohol, water, chloral hydrate, and extracts of plant drugs including little, if any, capsicum or cantharides; that the Areata Special consisted essentially of water, chloral hydrate, and extracts of plant drugs including little, if any, capsicum or cantharides; that the Special Tincture Capsicum consisted essentially of alcohol, capsicum oleoresin, and water; and that the Exite consisted essentially of alcohol, water, mustard oil, and extracts of plant materials.

Misbranding was alleged in the libel in that certain statements on the labels and in the printed matter were false and misleading since they represented and suggested that the products, either alone or in combination, would be effective in the treatment of dandruff, itchy scalps, scalp irritations accompanied by eruptions or mattery secretions, eruptions or pimples of the scalp, dry, broken or brittle hair, falling hair, thin, poor hair, alopecia areata, receding hair line, all types of curable baldness, scalp eczema, seborrhea, psoriasis, pityriasis, split ears and red spots around the hair line, sick hair of all kinds, and falling hair due to operations or childbirth; and that the products would stimulate the flow of pigment through the hair shaft, prevent premature grayness, soften harsh, dry,

brittle hair, stimulate the muscles of the appendages of the hair, act as a healing agent in certain types of scalp disorders, grow hair, tone the scalp, prevent dandruff, keep the hair and scalp healthy, and stimulate the flow of blood to the surface of the scalp, whereas the products, either alone or in combination, would not be efficacious for such purposes.

The Special Pink Ointment was alleged to be misbranded further in that its label failed to bear the common or usual name of each active ingredient.

On August 14, 1944, no claimant having appeared, judgment of condemnation was entered and the products and printed matter were ordered destroyed.

1392. Misbranding of Kotalko. U. S. v. 126½ Dozen Packages and 96 Dozen Packages of Kotalko. Consent decree of condemnation. Product ordered released under bond. F. D. C. Nos. 12639, 12670. Sample Nos. 76499-F, 76999-F.)

On May 19 and June 15, 1944, the United States attorney for the District of New Jersey filed libels against 222½ dozen packages of Kotalko at Jersey City, N. J., alleging that the article had been shipped between the approximate dates of January 28 and May 12, 1944, by the Kotalko Sales Co., from New York, N. Y.

Examination showed that the article consisted essentially of an ointment containing, among other ingredients, sulfur and a camphoraceous oil. The box containing the ointment occupied approximately 40 percent of the volume of the carton. The carton also contained circulars entitled "Kotalko Dictory," and "Important Truth Revealed." The article was alleged to be misbranded in essentially the same way that the product described in notices of judgment on drugs and devices, No. 1337, was misbranded.

On November 6, 1944, Rose R. Scott, trading as the Kotalko Sales Co., claimant, having admitted the allegations of the libels, and the cases having been consolidated, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the circulars be destroyed and replaced with new circulars correctly characterizing the product, under the supervision of the Food and Drug Administration.

1393. Misbranding of menthol inhalers. U. S. v. 126 Cartons of Menthol Inhalers. Default decree of condemnation and destruction. (F. D. C. No. 11911. Sample No. 60702-F.)

On February 29, 1944, the United States attorney for the Northern District of California filed a libel against 126 cartons, each containing 12 menthol inhalers, at San Francisco, Calif., alleging that the article had been shipped on or about February 9 and April 9, 1943, by the Eagle Druggists Supply Co., from New York, N. Y.; and charging that it was misbranded.

Examination disclosed that the article contained less than the 7 grains of menthol declared on the label, the average shortage being 17.7 percent.

The article was alleged to be misbranded (1) in that the label statement, "Menthol 7 Grains," was false and misleading since the article did not contain 7 grains of menthol; and (2) in that its label failed to bear an accurate statement of the quantity of the contents, since the statement made was incorrect.

On October 2, 1944, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1394. Misbranding of Miracle Electric Massager. U. S. v. 38 Miracle Electric Massagers. Default decree of condemnation and destruction. (F. D. C. No. 12438. Sample No. 15049-F.)

On May 25, 1944, the United States attorney for the Southern District of California filed a libel against 38 Miracle Electric Massagers at Los Angeles, Calif., alleging that the article had been shipped on or about February 20, 1944, by Miracle Products, Inc., from Chicago, Ill.; and charging that it was misbranded.

The article consisted of a vibrator operated by an electric motor.

The article was alleged to be misbranded because of false and misleading statements on the carton and in an accompanying circular entitled "It's a Miracle! Electric Messenger" which represented and suggested that the article would relieve headaches, pain, stiffness, colds, sore muscles, backaches, nervousness, and sleeplessness; that it would be efficacious in the treatment of rheumatism, in relaxing tired muscles, in conditioning the skin and scalp, and in improving complexions and the natural functions of the body; and that it would be beneficial in the preservation and growth of hair, in reducing fat, and in maintaining the vitality and tone of the muscles.

On June 16, 1944, no claimant having appeared, judgment of condemnation was entered and it was ordered that the article and all advertising matter be destroyed.