

panying brochures headed "Darrell Foremost authority on hair and scalp care * * * asks * * * Are You One Of These?"

LABEL, IN PART: (Bottle) "Darrell's RD-5 Formula The Scientific Formula for Hair & Scalp Active Ingredients Liquid Carbonic Detergens (Coal Tar Derivative), Resorcinal, Alcohol 40%."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the accompanying brochures were false and misleading. The statements represented and suggested that the article was an adequate and effective treatment for scalp conditions associated with scaling, itching, and baldness, whereas the article was not an adequate and effective treatment for such conditions.

Further misbranding, Section 502 (e) (2), the article was fabricated from two or more ingredients, and its label failed to state the kind of alcohol present in the article and failed to bear the common or usual name of the ingredient listed as "Liquid Carbonic Detergens."

DISPOSITION: September 10, 1952. Default decree of condemnation and destruction.

3815. Misbranding of Marvel's hair and scalp conditioner. U. S. v. 112 Cartons
* * *. (F. D. C. No. 31932. Sample No. 16045-L.)

LIBEL FILED: October 23, 1951, Western District of Oklahoma.

ALLEGED SHIPMENT: On or about July 17 and September 20, 1951, by Marvel Industries, Inc., from San Antonio, Tex.

PRODUCT: 112 cartons, each containing 1 bottle, of *Marvel's hair and scalp conditioner* at Oklahoma City, Okla. Analysis showed that the product contained a lead salt, sulfur, alcohol, and a small proportion of quinine.

LABEL, IN PART: (Bottle) "Marvel's Nature Hair and Scalp Conditioner."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the labeling of the article, namely, on the bottle and carton labels, in a folder entitled "Marvel's Nature's Hair and Scalp Conditioner is keeping hair healthy for thousands," and in a leaflet entitled "Facts you should know about Marvel," which were shipped with the article, were false and misleading. The statements represented and suggested that the article was effective to stop the falling of hair, to make new hair grow, to remedy premature baldness, to restore hair to its natural color, to cure dandruff, and to keep hair and scalp healthy and protect one from contagious hair and scalp diseases. The article was not effective for such purposes.

Further misbranding, Section 502 (e) (2), the article was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each active ingredient.

DISPOSITION: September 11, 1952. Marvel Industries, Inc., claimant, having filed a motion for dismissal of the libel and later having withdrawn its motion and consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling, under the supervision of the Food and Drug Administration.

3816. Misbranding of Glycolator devices. U. S. v. 12 Cases, etc. (F. D. C. No. 33321. Sample No. 38743-L.)

LIBEL FILED: June 27, 1952, District of Columbia.

ALLEGED SHIPMENT: On or about May 20, 1952, and subsequent dates, by the Pittsburgh Chemical Laboratory, from Mars, Pa.

PRODUCT: 12 cases, each containing 6 pints, of a liquid known as glycosol, 77 plastic contrivances providing a container for the glycosol, a movable wick, and a heating element known as the "Rex Glycolator," and 24 metal and plastic contrivances consisting of two telescoping parts providing a container for the glycosol, a wick, a variable heating element, and a passageway for air intended to communicate with the air intake opening of a furnace, in possession of John G. Webster & Sons, Inc., at Washington, D. C., together with a number of leaflets entitled "Now We Can Prevent Colds" and a copy of a local newspaper advertisement headed "Developed by John G. Webster Engineers! Amazing New Air Conditioning Method Fights Colds, Viruses, Disease and Death."

The liquid and the metal and plastic contrivances were alleged to constitute a device within the meaning of Section 201 (h).

LABEL, IN PART: (Case) "Glycosol Active ingredient triethylene glycol 90% * * * Iron City Chemical Co. Valencia, Penna."; (plastic contrivances) "The Rex Glycolator * * * Use Glycosol Only * * * Mfd. By Iron City Chemical Co. Evans City, Pa."; (metal and plastic contrivances) "Glycolator * * * Use Glycosol Only * * * Mfg. by Glycolator Div. Iron City Chemical Co. Valencia, Pa."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the above-mentioned leaflets accompanying the device were false and misleading. The statements represented and suggested that the device was effective to prevent colds, mumps, German measles, throat and ear infections, infections, and spread of disease, and to protect against colds those persons who spend 8 hours a day in "glycol-vaporized rooms" and are then exposed to colds in buses, subways, theaters, and restaurants. The device was not effective for such purposes, and it was not capable of fulfilling the promises of benefit made for it. The device was misbranded in the above respects when introduced into and while in interstate commerce.

Further misbranding, Section 502 (a), certain statements in the labeling of the device, namely, in the above-mentioned newspaper advertisement, were false and misleading. The statements represented and suggested that the device would prevent colds, virus diseases, asthma, respiratory diseases, polio, throat infections, and death due to air-borne bacteria and germs of all kinds. The device would not fulfill the promises of benefit stated and implied. The device was misbranded in this respect while held for sale after shipment in interstate commerce.

DISPOSITION: August 21, 1952. Default decree of condemnation. The court ordered that a portion of the products be delivered to the Food and Drug Administration and that the remainder be destroyed.

DRUGS FOR VETERINARY USE

3817. Misbranding of Ironated Hog Liquid and Black Hawk's Special Dairy Products. U. S. v. 10 Jugs, etc. (F. D. C. No. 33239. Sample Nos. 48554-L, 48555-L.)

LIBEL FILED: May 9, 1952, District of Nebraska.

ALLEGED SHIPMENT: During May 1951, and on or about February 8, 1952, by the Blackhawk Chemical Co., from Cedar Falls, Iowa.

PRODUCT: 10 1-gallon jugs of *Ironated Hog Liquid* and 15 100-pound bags of *Black Hawk's Special Dairy Products* at Breslau, Nebr., together with a number of order blanks and a number of circulars entitled "Maximum Gain."