

Issued July 12, 1913.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 2443.

(Given pursuant to section 4 of the Food and Drugs Act.)

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**U. S. v. Baker-Wheeler Manufacturing Co. Plea of guilty. Fine, \$100 and costs.**

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### MISBRANDING OF "FRECKELEATER."

On August 27, 1912, the United States Attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Baker-Wheeler Manufacturing Co., a corporation, Dallas, Tex., alleging shipment by said company, in violation of the Food and Drugs Act, on September 21, 1911, from the State of Texas into the State of Missouri, of a quantity of a preparation called "Freckeleater" which was misbranded. The product was labeled: "Freckeleater. Trade mark registered. For the complexion. Made only by the Freckeleater Co., Dallas, Tex. Price 50¢ . . . This preparation contains no grease. It will not cause the growth of hair on the face. Every box guaranteed. It is not a cosmetic, but the only known, harmless, pleasant and absolutely sure and infallible cure for all imperfections of the skin, . . ."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed that it consisted of a pasty, greaseless vehicle having the odor of lavender and carrying in suspension bismuth subnitrate (approximately 5.5 per cent) and ammoniated mercury (approximately 4 per cent). Misbranding of the product was alleged in the information for the reason that it was labeled as set forth above, which label was untrue and said product was misbranded in that the brands and labels aforesaid were false and misleading in that the product was not harmless in that it contained more than 8 per cent of ammoniated mercury,<sup>1</sup> a harmful ingredient to the human skin and a poison, and the product was further misbranded in that the statement "Harmless" on the label was false and mis-

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<sup>1</sup> It will be noted that while the information recited that the product contained more than 8 per cent of ammoniated mercury, analysis showed that it contained about 4 per cent of this ingredient.

leading in that it would mislead and deceive the purchaser into the belief that the product was not composed of or did not contain harmful ingredients, when as a matter of fact it contained as aforesaid ammoniated mercury, which is a harmful ingredient.

On January 27, 1913, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$100 and costs.

WILLIS L. MOORE,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *March 3, 1913.*

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