

4486. **Misbranding of "Wyeth's Sage and Sulphur Hair Remedy." U. S. v. The Wyeth Chemical Co., a corporation. Plea of guilty. Fine, \$50.**  
(F. & D. No. 6583. I. S. No: 237-e.)

On October 13, 1915, the United States attorney for the Southern District of New York, 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 Wyeth Chemical Co., a corporation, New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, on October 29, 1912, from the State of New York into the State of New Jersey, of a quantity of "Wyeth's Sage and Sulphur Hair Remedy," which was misbranded. The article was labeled: (On bottle) "Shake well before using Wyeth's Sage and Sulphur Hair Remedy. Alcohol, 5 per cent. An Ideal Hair Remedy and Dressing Makes the scalp clean and healthy For promoting the growth of hair Price,—50 Cents Manufactured for The Wyeth Chemical Co. New York City. Imparts color to faded and gray hair. For stimulating the growth of hair. Makes harsh, dry and lifeless hair soft, bright and glossy. For removing dandruff and making the scalp clean and healthy. Relieves itching and scalp humors. Excellent for falling hair. It is delicately perfumed; is cooling and refreshing to the scalp; and makes the hair light, fluffy and easily arranged. This preparation contains germicides and antiseptics that are good for the hair and scalp, but it is intended for external use only, and should never be taken internally. Therefore, it should be placed out of the reach of children and careless persons. Guaranteed by the Wyeth Chemical Company, under the Food and Drugs Act, June 30th, 1906. Serial No. 22128. New label Adopted December 1st, 1908. Directions for use. Shake the bottle well; then either pour a little in the palm of the hand and rub well into the hair, or pour into a suitable vessel and apply to the hair with a soft brush or sponge. Apply in this way once a day until desired results are obtained—then once a week as required. For dandruff, itching scalp, and falling hair, and to soften and preserve the hair, apply freely two or three times a week." (Statements in foreign languages). (On carton) "New Style package adopted December 1, 1908. Wyeth's Sage and Sulphur Hair Remedy Alcohol 5 per cent An ideal Hair Remedy and Dressing Imparts color to faded and gray hair. For stimulating the growth of hair. Makes harsh, dry and lifeless hair soft, bright and glossy. Relieves itching and scalp humors. Excellent for dandruff and falling hair. Price 50 Cents Manufactured for the Wyeth Chemical Co. New York City. Wyeth's Sage and Sulphur Hair Remedy makes the scalp clean and healthy For promoting the growth of hair Is not sticky or greasy Does not soil the skin or linen Wyeth's Sage and Sulphur Hair Remedy Alcohol 5 Per Cent For Beautifying the Hair and Promoting its Growth This remedy contains valuable medicinal agents of recognized merit for treatment of hair and scalp diseases. Among the various ingredients used are Sage. A scalp tonic and stimulant especially valuable for restoring the color of the hair and for preventing the hair from falling out. Sulphur. An active antiseptic and germicide. Rubbed into the scalp, it quickly relieves scalp rashes and eruptions, and helps to destroy the germs which are the cause of dandruff and falling hair. Glycerine. A soothing and healing agent. Useful in cases of dandruff and scalp irritations and eruptions. Valuable for aiding Nature in supplying proper nourishment to the hair roots, and for preventing the hair from splitting at the ends. Cantharides. A valuable stimulant for arousing into activity the scalp glands and increasing the secretion of the oil glands. Capsicum. A local tonic and stimulant. Alcohol. A preservative, mild antiseptic and stimulant. Wyeth's Sage and Sulphur Hair Remedy imparts color to faded and

gray hair an elegant dressing cleansing, cooling and refreshing to the scalp. Guaranteed by the Wyeth Chemical Company, under the Food and Drugs Act, June 30, 1906. Serial No. 22128."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Sulphur (per cent)-----	0.81
Lead acetate (anhydrous) (per cent)-----	0.76
Solids other than lead, glycerin, and sulphur (per cent)-----	0.19
Glycerin: Present.	
Capsicum: Present.	
Cantharidin test: Negative.	

Misbranding of the article was alleged in the information for the reason that the following statement regarding it or the ingredients or substances contained therein, appearing in prominent type on the labels aforesaid, to wit, "Wyeth's Sage and Sulphur Hair Remedy," was false and misleading in that it indicated to purchasers thereof that the article of drugs was composed of, and contained, sage and sulphur, harmless medicinal agents, as its principal and most active ingredients, when, in truth and in fact, it did not, but contained as its principal and most active ingredient, to wit, lead acetate, a poisonous and dangerous substance.

On February 11, 1916, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$50.

In making its plea of guilty, the defendant company submitted a statement which was made a part of the record of the proceedings, a part of which statement follows:

The libellee has entered a plea of guilty to the said information for the reason that it is engaged in the distribution of an article which is intended to impart color to grey or faded hair, and has so changed the packages and labels in which the said article is contained as to remove the portions thereof objected to by the Department of Agriculture and set forth at length in the information, and the same do not bear or contain any statement regarding the curative or therapeutic effect of such article, with the result that its distribution of such article is not now and cannot hereafter be in any sense a violation of the Food and Drugs Act. In view of this fact the Wyeth Chemical Company is unwilling to litigate the charges of the United States Attorney, although it has been guilty of no violation of the Food and Drugs Act, for the reason that the questions involved in the trial of the information would be purely academic.

C. F. MARVIN, *Acting Secretary of Agriculture.*