

amounts of Organic Calcium and Phosphates", was false and misleading in view of the actual composition of the article. Misbranding of the Restorax Tablets was alleged for the further reason that the statement on the label, "Restorax", was false and fraudulent, since the article was not a restorative in any sense and in particular was not a restorative of the normal size and shape of the human body as the manufacturer interprets the term in collateral advertising, a supply of which was furnished the consignee.

Misbranding of the Instant Alberty's Food was alleged for the reason that the following statements regarding its curative or therapeutic effects, appearing in the circular accompanying the retail package, were false and fraudulent: "One May Take One Or More Of The Alberty Products And Get Results. The full Alberty's Treatment is not essential but is for those who desire to recover their health in the shortest possible length of time. Regardless of what is wrong—some ailment or a general 'rundown' condition, quicker and more pronounced results are obtained when the full treatment is taken. In most all ailments or 'run-down' conditions, the nervous system is effected and the cells of the body becomes inactive or partially paralyzed and are not renewed as quickly as when the body is perfectly normal. The daily loss of worn-out cells amounts to about 100 million million. These worn-out cells must not only be eliminated but must be replaced daily to maintain or to rebuild health. \* \* \* Many people take just one of the products and get excellent results. Some take only the Alberty's Food. \* \* \* Alberty's Food Regular or Instant—the body builders. \* \* \* Instant Alberty's Food is a highly concentrated food already prepared with pure, fresh, cow's milk combined with Alberty's Food. \* \* \* Within the past few years, marvelous discoveries connected with the health-giving aspects of milk have been made. Milk is a great help to men and women who want to keep strong, vigorous and youthful. Not only is milk a builder, repairer and invigorator, but it is the only food that really heals and is also used as an antidote for poisons, etc. \* \* \* Alberty's Food \* \* \* Is a cereal derivative containing \* \* \* protein \* \* \* for rebuilding body cells. \* \* \* has 16 life sustaining elements, \* \* \* Alberty's Food, \* \* \* makes of milk a different food \* \* \* It breaks up the dense curd into \* \* \* particles, \* \* \* the digestive juices mingling through these particles, absorbs the healing and life-giving elements in milk."

On December 3, 1934, Ruby Leeds, Portland, Oreg., having appeared as claimant for the Instant Alberty's Food, and having admitted the allegations of the libel, judgment was entered ordering that the product be released to the claimant under bond conditioned that it be relabeled under the supervision of this Department. On December 18, 1934, a decree was entered in the remaining case ordering that the Restorax Cheno Tablets be released under bond to the claimant, Ruby Leeds, conditioned that they be properly relabeled.

M. L. WILSON, *Acting Secretary of Agriculture.*

**24529. Misbranding of Palmer's Lotion and Palmer's Lotion Soap. U. S. v. 117 Small Bottles of Palmer's Lotion, et al. Default decrees of condemnation and destruction.** (F. & D. nos. 31943, 32035, 33306, 33307. Sample nos. 47412-A, 68170-A, 112-B, 114-B.)

These cases involved shipments of Palmer's Lotion and a shipment of Palmer's Lotion Soap, the labeling of which bore unwarranted curative and therapeutic claims. The label of the soap was further objectionable since it bore the false and misleading claim that it contained Palmer's Lotion, analysis having shown that it contained no mercuric chloride, the essential ingredient of Palmer's Lotion.

On February 8 and March 13, 1934, the United States attorneys for the Northern District of California and the District of Vermont, respectively, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 174 bottles of Palmer's Lotion at San Francisco, Calif., and 39 bottles of Palmer's Lotion at Burlington, Vt., alleging that the article had been shipped in interstate commerce by Solon Palmer from New York, N. Y., the former on or about October 7, 1933, and the latter on or about January 5, 1934. On August 30, 1934, the United States attorney for the District of Colorado filed a libel against 157 bottles of Palmer's Lotion and 138 boxes of Palmer's Lotion Soap at Denver, Colo., which had been shipped in interstate commerce, in part on or about July 25, 1933, and in part on or about March 12, 1934, by Solon Palmer, from New York, N. Y. The libels charged that the articles were misbranded in violation of the Food and Drugs Act as amended.

Analyses showed that the Palmer's Lotion consisted essentially of mercuric chloride (0.3 percent), water, and denatured alcohol with a trace of perfume material; and that the Palmer's Lotion Soap contained a small proportion of a zinc compound and no mercuric chloride.

The libel filed in the Northern District of California charged misbranding of the lotion in that the following statements appearing in the labeling were statements regarding the curative or therapeutic effects of the article and were false and fraudulent: (Carton) "For Eczema, Pimples, Scaly & Unsightly Eruptions \* \* \* Touch a Pimple, \* \* \* With Palmer's Lotion and Forget it"; (folder) "Touch a Pimple \* \* \* With Palmer's Lotion and forget it. \* \* \* A Clear, Healthy Skin \* \* \* the most wonderful remedy yet discovered for unhealthy skin conditions and injuries to the surface of the skin. \* \* \* purifies the healthy skin and works wonders to the diseased or injured parts. \* \* \* For Eczema, Pimples and other Skin Eruptions. \* \* \* takes the soreness from pimples and quickly aids to restore a smooth and unblemished skin. Other skin eruptions yield readily to its healing touch. \* \* \* For Inflamed Eyes or Lids \* \* \* boon for \* \* \* sore lids. \* \* \* helps to restore to the eyes the sparkling clearness of youth and health, \* \* \* aid to a clear, healthy skin. If used for pimples and all skin eruptions it helps to remove these unhealthy conditions. \* \* \* helps the skin to function normally in throwing off impurities"; (circular) "For Eczema, Pimples \* \* \* Granulated Eyelids [similar statements in foreign languages]"; (display cartons) "Well known Remedy for Eczema, Pimples"; (display carton, small size) "For a Clear Healthy Skin. Beautifies by removing Eczema, Pimples, Itching. Scaly Eruptions"; (bottle) "For Eczema, Pimples, Scaly & Unsightly Eruptions \* \* \* Directions for Eczema, Pimples apply with cotton, soft cloth or hand. \* \* \* Granulated eyelids; close the eyes and bathe gently toward the nose." The libels filed in the Districts of Vermont and Colorado also charged misbranding of the lotion in that curative and therapeutic claims in the labeling substantially the same as those quoted above, were false and fraudulent.

Misbranding of the Palmer's Lotion Soap was alleged for the reason that the statement on the label, "Contains the wonderful Palmer's Lotion", and the statement in the circular, "It contains \* \* \* ingredients, including the famous Palmer's Lotion", were false and misleading. Misbranding of the soap was alleged for the further reason that the following statements regarding its curative or therapeutic effects were false and fraudulent: (Carton) "Beautifies by removing skin blemishes \* \* \* This is a toilet soap of wonderful curative properties. It allays every tendency to inflammation, effectually dissipates all redness, \* \* \* pimples, spots, blotches, \* \* \* and other unsightly cutaneous visitations, whether on the face or other part of the person"; (circular) "Healing."

On October 30, November 1, 1934, and June 10, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the products be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**24530. Adulteration and misbranding of amidopyrine tablets. U. S. v. 4 Bottles of Tablets Amidopyrine. Default decree of condemnation and destruction. (F. & D. no. 33590. Sample no. 15243-B.)**

This case involved a shipment of amidopyrine tablets which contained a smaller amount of amidopyrine than declared on the label.

On October 12, 1934, the United States attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of four bottles of amidopyrine tablets at Tucson, Ariz., alleging that the article had been shipped in interstate commerce on or about August 6, 1934, by the E. S. Miller Laboratories, Inc., from Los Angeles, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, "Tablets \* \* \* Amidopyrine \* \* \* 5 Grains", since the tablets did not contain 5 grains each of amidopyrine, but did contain 3.9 grains each of amidopyrine.

Misbranding was alleged for the reason that the statement, "Tablets \* \* \* Amidopyrine \* \* \* 5 Grains", was false and misleading.

On November 7, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*