

The article was alleged to be misbranded in that certain labeling statements in the exhibit A attached to the libel were false and misleading. It was also alleged to be adulterated and misbranded under the provisions of the law applicable to foods, as reported in notices of judgment on foods, No. 7914, in which are set forth in full the results of analyses, and the misleading statements in the exhibit A referred to above.

On December 18, 1944, no claimant having appeared, judgment of condemnation was entered and it was ordered that all leaflets and display posters accompanying the product be destroyed, and that the product be delivered to a charitable institution.

1490. Misbranding of Walban Vitamin B Complex and Walban A, B₁, D, G (B₂) Vitamin Pearls. U. S. v. 35 Display Units of Walban Vitamin B Complex and 23 Display Units of Walban A, B₁, D, G (B₂) Vitamin Pearls. Default decrees of condemnation. Products ordered delivered to charitable institutions. (F. D. C. Nos. 13777, 13778. Sample Nos. 80616-F, 80617-F.)

On September 11, 1944, the United States attorney for the Eastern District of Missouri filed libels against 35 display units, each containing 12 packages of 30 pearls each, of Walban Vitamin B Complex and 23 display units, each containing 12 packages of 30 pearls each, of Walban A, B₁, D, G (B₂) Vitamin Pearls at St. Louis, Mo., alleging that the articles had been shipped on or about May 31, 1944, by the Walban Corporation, from Little Neck, Long Island, N. Y.

The products were alleged to be misbranded under Section 502 (a) in that certain statements in the labeling were false and misleading.

The vitamin B complex was alleged to be adulterated, and both products were alleged to be misbranded, under the provisions of the law applicable to foods, as reported in notices of judgment on foods, No. 7911, in which are set forth in full the false and misleading statements in the labeling referred to above.

On December 2 and 15, 1944, no claimant having appeared, judgments of condemnation were entered and the products were ordered delivered to charitable institutions, after destruction of the leaflets, circulars, and display posters.

1491. Misbranding of Mi-Hair Scalp and Hair Preparations. U. S. v. 290 Bottles of Mi-Hair Scalp Medicine No. 1, 225 Bottles of Mi-Hair Scalp Medicine No. 2, 461 Bottles of Mi-Hair Shampoo, 469 Bottles of Mi-Hair Hair Conditioner and Scalp Invigorator, and a quantity of printed matter. Default decree of condemnation and destruction. (F. D. C. No. 13834. Sample Nos. 73105-F, 73362-F to 73365-F, incl.)

On September 29, 1944, the United States attorney for the Southern District of California filed a libel against the above-mentioned articles and printed matter at Fresno, Calif., alleging that they had been shipped on or about May 10 and June 12, 1944, by Capillis, Inc., from Brooklyn, N. Y.

Analysis disclosed that the Scalp Medicine No. 1 contained water, isopropyl alcohol, and small amounts of betanaphthol, salicylic acid, resorcinol monoacetate, and sulfanilamide; that the Scalp Medicine No. 2 consisted of water, isopropyl alcohol, potassium carbonate, and small amounts of salicylic acid, betanaphthol, resorcinol monoacetate, and sulfanilamide; that the Mi-Hair Shampoo contained water, soap, and a trace of phenolic substances; and that the Mi-Hair Hair Conditioner and Scalp Invigorator contained small amounts of salicylic acid, betanaphthol, and resorcinol monoacetate incorporated in an ointment base composed of petrolatum and lanolin.

The articles were alleged to be misbranded because of false and misleading statements on their labels and in the printed matter (circulars, leaflets, and display placards) regarding the efficacy of the articles when used alone or in combination in the treatment of dandruff and in the stimulation of the scalp so as to increase the growth or prevent the loss of hair.

On October 30, 1944, no claimant having appeared, judgment of condemnation was entered and the products and the printed matter were ordered destroyed.

1492. Misbranding of Dr. Hibbard's Olive Vitalizer for Hair and Scalp. U. S. v. 116 Packages of Dr. Hibbard's Vitalizer for Hair and Scalp. Default decree of condemnation and destruction. (F. D. C. No. 13845. Sample No. 88020-F.)

On or about October 2, 1944, the United States attorney for the District of Connecticut filed a libel against 116 packages of the above-mentioned product at Middletown, Conn., alleging that it had been shipped on or about March 22 and July 13, 1944, by the Mulford Pharmacal Co., from Boston, Mass.

Examination showed that the article consisted essentially of mineral oil, water, and a small amount of sulfur and of boric acid, colored yellow.

The article was alleged to be misbranded (1) in that the label statement, "Olive Vitalizer for Hair and Scalp," was false and misleading as applied to the product, which contained no olive oil and which was not effective as a vitalizer for the hair and the scalp; (2) in that the label statement, "Active Ingredients Bayol, Boric Acid, Capsicum & Solution of Sulphur," was misleading since it created the impression that those ingredients would be effective in vitalizing the hair and scalp, and it failed to reveal the material fact that the product contained mineral oil; and (3) in that it failed to bear a label containing an accurate statement of the quantity of the contents since no statement of the quantity of the contents appeared on its label.

On November 28, 1944, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1493. Misbranding of Electric Vital Massager. U. S. v. Holdfast Truss Co. Plea of nolo contendere. Fine, \$250. (F. D. C. No. 14232. Sample No. 71238-F.)

On January 17, 1945, the United States attorney for the Northern District of California filed an information against the Holdfast Truss Co., a partnership, Oakland, Calif., alleging shipment of a quantity of the above-named product on or about April 14, 1944, from the State of California into the State of Oregon.

The article was an electrical device for massaging and applying heat to the prostate gland. It consisted of a plastic rod about 5 inches long, slightly enlarged and fluted at one end, containing a heating element.

The article was alleged to be misbranded in that certain statements on its label and in an accompanying circular entitled "Electric Vital Massager" were false and misleading since they represented and suggested that the article would be efficacious in the alleviation of pain caused by a disordered prostate gland; that it would produce the regenerative and the vitalizing results implied in the name "Vital Massager"; and that it would be efficacious in the cure, mitigation, treatment, and prevention of frequency of urination, either day or night, pain accompanying urination, urethral discharge, pain in the lower back, fullness or pressure in the rectum, acute susceptibility to worry and anxiety, the inclination to be melancholy, prostatitis, and the effects on the prostate of gonorrhoeal infection, alcoholism, sexual overindulgence, onanism, typhoid fever, smallpox, and similar conditions indicated and suggested by the abbreviation "etc."

On February 9, 1945, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$250.

DRUGS FOR VETERINARY USE*

1494. Misbranding of General Hog Liquid, General Hog Medicine "F," Poultry Tablets, and General Poultry Liquid. U. S. v. General Veterinary Laboratory. Plea of guilty. Fine, \$250 and costs. (F. D. C. No. 12540. Sample Nos. 5679-F to 5681-F, incl., 37846-F.)

On November 28, 1944, the United States attorney for the District of Nebraska filed an information against the General Veterinary Laboratory, a corporation, at Omaha, Nebr., alleging shipment of quantities of the above-named products between the approximate dates of November 10, 1942, and August 31, 1943, from the State of Nebraska into the States of Illinois and Iowa.

Analysis of a sample of the General Hog Liquid showed that the product was a light red-brown liquid with sediment of the same color. It contained, chiefly, water, sodium hydroxide, small amounts of phosphate and sulfate compounds of calcium, copper, and potassium; arsenic compounds; creosote and oil of Chenopodium; and a minute amount of strychnine (nux vomica indicated). The article was alleged to be misbranded in that certain statements in an accompanying circular entitled "Amazing Liquid Treats Sick, Wormy, Runty Hogs Without Taking Them Off Feed" were false and misleading since they represented and suggested that the article would be efficacious in the cure, mitigation, treatment, and prevention of all species of worms which infest hogs; that it would be efficacious in the prevention and treatment of sick and runty hogs and of disease germs which infest hogs, and in the treatment of necro, flu, and mixed infections; that it would cause bigger litters of pigs, would enable the user to raise every pig and bring pigs along fast and keep them free from worms and disease, would make pigs ready to sell earlier, enable the user to avoid sickness and losses, develop big frames and heavy bones in hogs, and prevent feed waste and low profits; and that it contained two ingredients which were effective wormers when used as directed, together with an ingredient which would promote appetite in sick

*See also No. 1462.