1787. Misbranding of Red Rooster Pills. U. S. v. 52 Boxes of Red Rooster Pills. Default decree of condemnation and destruction. (F. D. C. No. 16107. Sample No. 4068–H.)

LIBEL FILED: May 3, 1945, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about March 14, 1945, by the Pep Co., from Norfolk, Va.

PRODUCT: 52 boxes of *Red Rooster Pills* at Philadelphia, Pa. Examination showed that the product had the composition stated on its label.

LABEL, IN PART: "Red Rooster World Famous Red Pills The Pep Co. 824 Main St. Norfolk, Va. Each pill contains Strychnine Sulfate 1–50 gr., Yohimbine Hydrochloride 1–12 gr., Orchic Substance 1–10 gr., Avenin 1 gr., P. E. Damiana 1–20 gr., Zinc Phosphide 1–10 gr. * * * Victor Edison Perry."

NATURE OF CHARGE: Misbranding, Section 502 (a), the statements, "World Famous * * * The Pep Co. * * * Don't Expect Wonders from trial sample 25 pills $1 Get 175 Pills Only $5," were false and misleading since they implied that the article was world famous and would restore pep. The article was not world famous, and it would not restore pep.

Further misbranding, Section 502 (c), the common or usual names of the active ingredients, as required by law, did not appear on the label in such terms as to render them likely to be understood by the ordinary individual, since no distinction had been made in the list of ingredients between those which were active and those which were inert, such as orchic substance and avenin.

DISPOSITION: September 27, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1788. Misbranding of Old Hickory Ointment. U. S. v. 69 Jars of Old Hickory Ointment. Default decree of condemnation and destruction. (F. D. C. No. 16640. Sample Nos. 555–H, 556–H.)

LIBEL FILED: June 28, 1945, Northern District of Georgia.

ALLEGED SHIPMENT: On or about January 25, 1944, and April 16, 1945, by the Old Hickory Medicine Co., from Chattanooga, Tenn.

PRODUCT: 22 1¼-ounce jars and 47 ½-ounce jars of *Old Hickory Ointment* at Atlanta, Ga. Examination showed that the product consisted essentially of zinc oxide, salicylic acid, calomel, carbolic acid, camphor, menthol, and petrolatum.

NATURE OF CHARGE: Misbranding, Section 502 (a), the label statements, "Acne, Barber's Itch, Tetter, * * * Eczema, Scabies, * * * Psoriasis, * * * Poison Ivy, Poison Oak," were false and misleading since the product would not be effective in the treatment of the conditions named; and (½-ounce size only), Section 502 (e), the product was fabricated from two or more ingredients and its label failed to bear a statement of the quantity or proportion of calomel, a mercury derivative, present in it.

DISPOSITION: August 1, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1789. Misbranding of Vita-Fluff Dandruff Remover. U. S. v. 40 Packages and 13 packages of Vita-Fluff Dandruff Remover. Default decree of forfeiture and destruction. (F. D. C. No. 16438. Sample Nos. 13423–H, 13424–H.)

LIBEL FILED: June 13, 1945, Southern District of Indiana.

ALLEGED SHIPMENT: On or about April 21, 1945, by Duon, from Dayton, Ohio.

PRODUCT: 40 1-gallon packages and 13 21-ounce packages of *Vita-Fluff Dandruff Remover* at Indianapolis, Ind. Examination showed that the product consisted essentially of water, a detergent of the sodium alkyl sulfate type, and mercuric chloride.

NATURE OF CHARGE: Misbranding, Section 502 (a), the following statements on the label and in an accompanying bulletin were false and misleading since the article was not healing and it would not be effective in the eradication of dandruff: (Label) "Created especially to eradicate dandruff * * * Healing"; (bulletin) "Vita Fluff Dandruff Remover will give you such satisfactory results * * * after more than six years of laboratory, practical, and actual tests in the eradication and control of dandruff, seborrhea, seborrheic dermatitus, pityriasis simplex, etc. * * * actually dandruff is due to an internal imbalance of fatty secretions, which combine on the scalp. We have never found any evidence of dandruff being contagious or infectious * * * penetrate the oily surface of the scalp * * * at the same time carrying