

DISPOSITION: October 15, 1948. No claimant having appeared, and the court having found that the tablets were misbranded as alleged in the libel and that the medicine was not misbranded under Section 502 (a), judgment was entered ordering the condemnation and destruction of the tablets. It was ordered also that the envelopes be detached from the bottles and that the medicine in the bottles be condemned and sold at public or private sale to the highest bidder. On December 23, 1948, it having appeared to the court that the medicine was misbranded because of the failure of the labeling to bear adequate directions for use for which it was intended, an amended decree was entered ordering that the medicine be destroyed.

2637. Misbranding of Red Cell Caps. U. S. v. 66 Cartons * * * (and 2 other seizure actions). (F. D. C. Nos. 25383 to 25385, incl. Sample Nos. 19487-K, 19490-K, 19491-K.)

LIBELS FILED: August 25, 1948, Western District of Kentucky.

ALLEGED SHIPMENT: On or about January 24 and 26, March 29, and July 6, 1948, by Burner Laboratories, Inc., from Evanston, Ill.

PRODUCT: 1,545 cartons each containing 1 42-capsule bottle of *Red Cell Caps* and a circular entitled "The Story of Red Cell Caps" at Louisville, Ky. Analysis indicated that the product consisted essentially of spray-dried blood, with a total iron content of 2.1 milligrams per capsule.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the labeling of the article were false and misleading since the article would not be effective for the purposes suggested and implied. The statements represented and suggested that the article would be effective as a blood building food and as a supplement to the diet; that it would maintain or produce beauty, health, and vibrant energy; and that it would be efficacious in regenerating the blood.

DISPOSITION: December 1, 1948. Default decrees of condemnation and destruction.

2638. Misbranding of O. P. Analgesic Capsules. U. S. v. 14 Dozen Boxes * * *. (F. D. C. No. 26000. Sample No. 25989-K.)

LIBEL FILED: November 9, 1948, District of Minnesota.

ALLEGED SHIPMENT: On or about September 17, 1948, by Weeks & Leo Co., Inc., from Des Moines, Iowa.

PRODUCT: 14 dozen boxes of *O. P. Analgesic Capsules* at Hopkins, Minn.

LABEL, IN PART: (Boxes) "O-P Analgesic Capsules * * * Each capsule contains: Phenacetine 2 grs., Aspirin, Caffeine, Tr. Gelsemium * * * Contents Twenty Capsules."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the labels of the article were false and misleading since they represented and suggested that the article was effective to relieve all the discomforts of the common cold and was effective in the relief of grippe. The article was not effective for such purposes.

DISPOSITION: March 2, 1949. Default decree of destruction.

2639. Misbranding of Cravex. U. S. v. 28 Cartons * * *. (F. D. C. No. 25662. Sample No. 23762-K.)

LIBEL FILED: On or about October 1, 1948, Eastern District of Texas.

ALLEGED SHIPMENT: On or about May 5, 1948, by Plant Products Co., Inc., from Burbank, Calif.

PRODUCT: 28 cartons of *Cravex* at Beaumont, Tex. Examination showed that the product consisted essentially of calcium and magnesium phosphate, glycerophosphates, caffeine, and milk sugar.

NATURE OF CHARGE: Misbranding, Section 502 (a), the following label statements were false and misleading since the article was not a treatment for the causes and effects of over-indulgence in liquor: (Carton) "Cravex" and (circular in some cartons) "It has been shown that alcohol chiefly affects the nervous system, which causes nervous irritability and frequently results in malnutrition. Cravex is a nerve tonic which contains several substances which are helpful in the treatment of both the causes and effects of over-indulgence."

DISPOSITION: November 8, 1948. Default decree of condemnation and destruction.

2640. Misbranding of Mentos. U. S. v. Mentos Products Co., Inc., and James Mento. Pleas of nolo contendere. Fine of \$100 against each defendant. (F. D. C. No. 25570. Sample No. 10498-K.)

INFORMATION FILED: September 9, 1948, Eastern District of Pennsylvania, against Mentos Products Co., Inc., Philadelphia, Pa., and James Mento, president.

ALLEGED SHIPMENT: On or about January 14, 1948, from the State of Pennsylvania into the State of New York.

PRODUCT: Analysis showed that the product consisted essentially of an aqueous suspension of sulfur containing approximately 2.5 grams of sulfur per 100 cc., with dissolved boric acid and borates as boric acid, approximately 1.2 grams per 100 cc., and a small amount of dissolved ammonium carbonate.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the labeling of the article, which included a circular entitled "Mentos Medicine," were false and misleading. The statements represented and suggested that the article would be efficacious for relief from scalp and skin diseases; that it would be effective against all types of germs; that it would relieve inflammation of the glands and acne; that it would be efficacious in the cure, mitigation, and treatment of severe cases of dandruff, eczema, psoriasis, ringworm, excess falling hair, thin dry hair, and acne. The article would not be efficacious for such purposes.

DISPOSITION: December 20, 1948. Pleas of nolo contendere having been entered, the court imposed a fine of \$100 against each defendant.

2641. Misbranding of Scalpex. U. S. v. 34 Large Bottles, etc. (F. D. C. No. 24878. Sample No. 18500-K.)

LIBEL FILED: June 11, 1948, Southern District of Indiana.

ALLEGED SHIPMENT: On or about January 17, 1948, by the United Barbers Mfg. & Supply Co., from Commercial Point, Ohio.

PRODUCT: 34 large bottles and 34 small bottles of *Scalpex* at Richmond, Ind. Examination showed that the product consisted essentially of water, alcohol, soap, menthol, capsicum, perfume, and a red coloring matter.

NATURE OF CHARGE: Misbranding, Section 502 (a), the following label statements were false and misleading since the article was not effective in the