ulate new growth of lashes; that it was effective for sun or other burns and would prevent the formation of scar tissue; and bore directions that in the treatment of baldness the scalp be steamed with hot towels, that as much of the product as the scalp would absorb be applied and patted in, that the scalp itself be moved with the fingers but that vigorous rubbing should be avoided, that the application should be repeated every night until results were obtained, and that in the treatment for thin and falling hair the hair should be parted and the product applied directly to the scalp, patting it in with the palm of the hand, that vigorous rubbing should be avoided; and that if the hair continued to fall, less should be used since over application would tend to further loosen the hair; which representations and directions were false and misleading as applied to an article consisting essentially of mineral oil and saponifiable oils.

It was alleged to be misbranded further in that its container was so made, formed, and filled as to be misleading.

It was also alleged to be misbranded under the provisions of the law applicable to drugs reported in notices of judgment on drugs and devices.

On January 18, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

COSMETICS, MISBRANDED (ON ACCOUNT OF DECEPTIVE CONTAINERS) [1]

DENTIFRICES AND SHAVING CREAM

35. Misbranding of dental cream. U. S. v. 55½ Dozen Packages of "Super-Pure Dental Cream with Milk of Magnesia." Default decree of condemnation and destruction. (F. D. C. No. 1167. Sample No. 78884–D.)

The tube containing this product occupied only about 26 percent of the capacity of the carton.

On December 8, 1939, the United States attorney for the Western District of Pennsylvania filed a libel against 55½ dozen packages of dental cream at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about September 13, 1939, by the American Co. from Memphis, Tenn.; and charging that it was misbranded in that its container was so made, formed, or filled as to be misleading.

On January 17, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

36. Misbranding of dental cream. U. S. v. 21 Cartons of Blue Ribbon Brand Dental Cream. Default decree of condemnation and destruction. (F. D. C. No. 1951. Sample No. 82970–D.)

The carton container of this product was unnecessarily large, the tube container occupying only 27 percent of the total capacity of the carton.

On or about December 8, 1939, the United States attorney for the Northern District of Florida filed a libel against 21 cartons of dental cream at Panama City, Fla., alleging that the article had been shipped in interstate commerce on or about August 19, 1939, by Adam Bernhard from New York, N. Y.; and charging that it was misbranded in that its container was so made, formed, and filled as to be misleading.

On January 31, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

37. Misbranding of tooth paste. U. S. v. 17 Dozen Packages of Tooth Paste. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 976. Sample No. 51991–D.)

The tube containing this product occupied only about 22 percent of the space in the carton.

On November 14, 1939, the United States attorney for the Eastern District of Pennsylvania filed a libel against 17 dozen packages of tooth paste at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about July 8, 1939, by the Comfort Manufacturing Co. from Chicago, Ill.; and charging that it was misbranded in that its containers were so made, formed, or filled as to be misleading. The article was labeled in part: "Tooth Paste * * * Spearmint, distributed by Allen Products."

On April 22, 1940, the Comfort Manufacturing Co. having theretofore appeared as claimant, but said claimant having failed to appear at the trial to defend its

[1] See also No. 34.