

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 319, FOOD AND DRUGS ACT.

### MISBRANDING OF HAIR TONIC.

On or about January 28, 1909, J. L. Lombardo, Buffalo, N. Y., shipped from the State of New York to the State of Michigan a consignment of a drug labeled "Lombardo's La Tosca Hair Tonic." Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report thereon indicated that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded J. L. Lombardo, and the dealer from whom the samples were purchased, opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney General, with a statement of the evidence upon which to base a prosecution. In due course a criminal information was filed against the said J. L. Lombardo in the District Court of the United States for the Western District of New York, charging the above shipment and alleging that the product was misbranded in that it was labeled: "Lombardo's La Tosca Hair Tonic. La Tosca Hair Tonic will eliminate any Scalp Disease, Dandruff, Itch, Headache and the falling of hair. It is advisable, while using La Tosca to shampoo your scalp at least once a week. This contains pure Columbian Spirit;" which statements were false, misleading, and deceptive, in that the product did not possess the property of eliminating any scalp disease, dandruff, itch, headache, and the falling of hair, and was further misbranded, in that it contained 98.5 per cent methyl alcohol, and failed to bear a statement of the quantity or proportion of the alcohol contained therein on the label.

On March 8, 1910, the defendant entered a plea of guilty and the court imposed a fine of \$25.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *April 26, 1910.*

