

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

---

## NOTICE OF JUDGMENT NO. 1228.

(Given pursuant to section 4 of the Food and Drugs Act.)

---

### MISBRANDING OF HAIR BALSAM.

On July 21, 1911, the United States Attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed information in the District Court of the United States for said district against E. S. Wells, alleging shipment by him, in violation of the Food and Drugs Act, on or about November 25, 1910, from the State of New Jersey into the State of Ohio, of a quantity of hair balsam which was misbranded. The product was labeled: (Carton, sticker on top) "E. S. Wells Chemist, Jersey City, N. J., U. S. A. Serial No. 548. Guaranteed under the Food and Drugs Act, June 30, 1906. Wells' Hair Balsam for Gray Hair. (Picture of woman holding long hair) In use over 40 Years. It will please you because it does the work and does it right. Since this preparation is not an instantaneous dye, it does not give that easily detected, unnatural look. It acts gradually—in three or four applications, changing gray hairs to approximately the original color, black or brown, leaving a natural look. In use over forty years. Sold by druggists or sent by express. Price, 50 Cents. This Small Trial size, 50 c. per bottle; 3 bottles, \$1.35. Large Size (over double quantity) \$1 bottle. 3 bottles \$2.75. E. S. Wells, Chemist, Manufacturer & Proprietor, 706 & 708 Grand St., Jersey City, N. J., U. S. A. (Translations of original Spanish on reverse side of carton). Restores gray hair to its original color. Life of the hair. Stops falling hair. Strengthens and imparts vigor to the hair and promotes its growth. Prevents dandruff and other scalp affections; imparts smoothness, freshness and luster to the hair without the necessity of using other cosmetics. It is the Tonic Par Excellence for the Hair. Keeps the scalp as well as the hair fresh and clean, takes away itching and irritation of the head, and cures and does away with cutaneous affections of the scalp. It is not a dye nor does it contain anything harmful to the hair or scalp. It is a vivifying tonic. Its importance as a tonic has been fully confirmed and proved by trial and in this way

is has gained the favor of the people, who prefer it to all others. Wells' Hair Balsam is the best cosmetic known for the head and can be used with advantage as a tonic to prevent falling of the hair and to promote its growth and cleanliness as well as to restore to the hair its original color; or it may be used simply as a cosmetic or else for its combined effects." (The German, French and Portuguese translations of this carton are to the same effect as above.) (Bottle, front label same as front of carton. Back label contains directions.) (Circular): "Wells' Hair Balsam Not a dye but restores gray hair to its original color. Harmless \* \* \* Prevents Dandruff. Stops Hair coming out." Analysis of a sample of said product, made by the Bureau of Chemistry of the United States Department of Agriculture, showed it to be a perfumed mixture of sulphur with aqueous solution of lead acetate and glycerol. Misbranding was alleged for the reason that said product contained in its label not only the word "Balsam," both on carton and bottle and in the three circulars within the package, but also that the statements in Spanish and other foreign languages upon the carton to the effect that the product is not a dye nor does it contain anything harmful to the hair or scalp, as well as the word "harmless" in the circular headed "not a dye" within the carton, are false and misleading.

On October 2, 1911, the defendant pleaded non-vult and sentence was suspended by the court.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *December 2, 1911.*