

"Mulford Acidophilus Bacillus Blocks are merchandised with an expiration date of six weeks. This dating period provides a factor of safety by insuring a sufficient number of viable B. acidophilus in the daily dosage as indicated", were false and misleading in that the number of viable lactobacilli did not exceed 10,000 per block and the dosage of viable lactobacilli recommended in medical literature was in millions of organisms.

The article in the lot of 11 packages was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, "Mulford Acidophilus Bacillus Blocks \* \* \* When properly kept, each Block will include, at the time of sale, millions of viable acidophilus bacilli", in that the number of viable lactobacilli in some of the blocks did not exceed 40,000 per block and the dosage of viable lactobacilli recommended in medical literature was in millions of organisms. The article in said 11 packages was alleged to be misbranded in that the statements (on the wrapper of the package) "Mulford Acidophilus Bacillus Blocks \* \* \* When properly kept, each Block will include, at the time of sale, millions of viable acidophilus bacilli \* \* \* Expiration Date Oct 16 1936", and (in a circular accompanying the package, in English and Spanish) "Mulford Acidophilus Bacillus Blocks are merchandised with an expiration date of six weeks. This dating period provides a factor of safety by insuring a sufficient number of viable B. acidophilus in the daily dosage as indicated", were false and misleading in that the number of viable lactobacilli in some of the blocks of said article did not exceed 40,000 per block and the dosage of viable lactobacilli recommended in medical literature is in millions of organisms.

On October 2 and October 21, 1936, respectively, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**26772. Misbranding of Olivo Hair Tonic and Olivo Hair Oil. U. S. v. 240 Bottles of Olivo Hair Tonic and 174 Jars of Olivo Hair Oil. Default decree of condemnation and destruction. (F. & D. nos. 38240, 38241. Sample nos. 9181-C, 9182-C.)**

The Olivo Hair Tonic was represented on the bottle labels and in an accompanying circular to contain olive oil, and in the circular, to be an Italian article and a food for the scalp; whereas it did not contain any olive oil and it was not a food for the scalp. Moreover, the label failed to state the quantity or proportion of alcohol that it contained. The Olivo Hair Oil was represented on the jar labels to be an olive-oil preparation and an Italian article; whereas it was not an olive-oil preparation and it was not an Italian article. The bottle label and the wrapper of the Olivo Hair Tonic, and the jar label of the Olivo Hair Oil, bore false and fraudulent curative or therapeutic claims.

The United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court on September 4 and 5, 1936, libels praying seizure and condemnation of 240 bottles of Olivo Hair Tonic and of 174 jars of Olivo Hair Oil, respectively, at New York, N. Y., alleging that the articles had been shipped in interstate commerce on or about August 19, 1936, by the Zala Perfumery Co., from Philadelphia, Pa., and that they were misbranded in violation of the Food and Drugs Act as amended.

Analysis of the Olivo Hair Tonic showed that it consisted essentially of denatured alcohol (71 percent), an oil that was largely or wholly castor oil (approximately 19 percent), and small amounts of glycerin, resorcinol, perfume, and coloring material. Analysis of the Olivo Hair Oil showed that it consisted essentially of petrolatum, a fatty oil (not over 2 percent), and a small amount of resorcinol.

The Olivo Hair Tonic was alleged to be misbranded: (1) In that the statements, "Olivo \* \* \* Olivo Hair Tonic contains olive oil", borne on the label, were false and misleading in that they represented that it contained olive oil, whereas it did not contain olive oil; (2) in that the statements, "Olivo \* \* \* Contains Genuine Italian Olive Oil \* \* \* is a preparation containing Olive Oil", contained in a circular accompanying the bottles, were false and misleading in that they represented that the article contained genuine Italian olive oil and was a preparation containing olive oil, whereas it did not contain genuine Italian olive oil and was not a preparation containing olive oil; (3) in that the statement, "(The Scalp Food Supreme)", contained in said circular, was false and misleading in that it represented that the article was a food for the scalp, whereas it was not a food for the scalp;

(4) in that the statement "Genuine Italian", contained in said circular, was false and misleading with respect to the geographical origin of the article, since it was not a genuine Italian article; and (5) in that the package failed to bear on its label a statement of the quantity or proportion of alcohol contained in the article. Said article was alleged to be misbranded further in that the following statements contained false and fraudulent curative or therapeutic claims: (Bottle labels) "Perfect \* \* \* Dandruff Remedy \* \* \* This preparation applied to scalp prevents Dandruff and Eczema. Keeps the hair from falling, strengthens the growth \* \* \* Tonic. \* \* \* for the eradication of dandruff and to aid in the destruction of bacteria infesting the scalp. \* \* \* for the purpose of \* \* \* keeping the scalp in a healthy normal condition. \* \* \* If properly used marvelous results will be obtained for all kinds of scalp ailments. \* \* \* First massage the scalp with the palm and finger tips for 90 seconds. This will awaken dormant hair cells and stimulates scalp action. Then apply Olivo Hair Tonic—rub lightly until it is absorbed by the corium. Repeat this treatment twice a week until desired results are obtained"; (wrapper around the bottles) "Tonic \* \* \* Guaranteed to Eradicate Dandruff End Itchy Scalp Stop Falling Hair \* \* \* Prevents Dandruff, Eczema. Retards falling hair, \* \* \* One of the most important marks \* \* \* is a healthy, well kept head of hair. \* \* \* for the purpose of \* \* \* keeping the scalp in a healthy normal condition. \* \* \* Olivo will promote the growth of hair by preventing dandruff and eczema, \* \* \* If properly used, marvelous results will be obtained for all kinds of scalp ailments. The medicinal ingredients in this preparation are beneficial for the eradication of dandruff and aid in the destruction of scalp bacteria. \* \* \* First massage the scalp with the palm and finger tips for 90 seconds. This will awaken dormant hair cells and stimulates scalp action. Then apply Olivo—rubbing lightly until it is absorbed by the corium."

The Olivo Hair Oil was alleged to be misbranded: (1) In that the word "Olivo", appearing in the labeling, was false and misleading in that it represented that the article was an olive-oil preparation, whereas it was not an olive-oil preparation; and (2) in that the statement "Genuine Italian", appearing in the labeling, was false and misleading with respect to the geographical origin of the article, since it was not a genuine Italian article. Said article was alleged to be misbranded further in that the following statements, appearing upon the label, contained false and fraudulent curative or therapeutic claims: "This preparation applied to scalp prevents Dandruff and Eczema. Keeps the hair from falling strengthens the growth."

On September 24, 1936, no claimant having appeared, judgments of condemnation were entered and it was ordered that the products be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**26773. Misbranding of Chambers' Pills, Chambers' Cold Tablets, and Help Nature Tablets. U. S. v. 21 Boxes of Chambers' Pills, 9 Boxes of Chambers' Cold Tablets, and 21 Boxes of Help Nature Tablets. Default decrees of condemnation and destruction. (F. & D. nos. 38268, 38269, 38270. Sample nos. 5514-C, 5515-C, 5516-C.)**

The packages or labels of these products contained false and fraudulent representations regarding their curative or therapeutic effects; the label of Chambers' Cold Tablets bore a false and misleading representation that they would produce no bad effects.

On September 15, 1936, the United States attorney for the Southern District of Ohio, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 21 boxes of Chambers' Pills, 9 boxes of Chambers' Cold Tablets, and 21 boxes of Help Nature Tablets at Highland, Ohio. It was alleged that the articles had been shipped in interstate commerce on or about June 15, 1936, by Chambers' Medicine Co. from St. Louis, Mo., and that they were misbranded in violation of the Food and Drugs Act as amended.

Analysis of Chambers' Pills showed that they consisted essentially of potassium nitrate, potassium carbonate, and plant drugs including buchu, coated with calcium carbonate and green-colored sugar. Said article was alleged to be misbranded in that statements regarding its curative or therapeutic effects, borne on the packages and contained in a circular enclosed therein, falsely and fraudulently represented that the article would be effective as a remedy for kidney complaints and diseases arising from disorders of the kidneys and bladder, such as backache, weak back, rheumatism, dropsy, congestion of the kidneys, inflammation of the bladder, scalding urine and urinary trouble; effective to