

charging shipment by the defendants named therein in violation of the Food and Drugs Act as amended, on or about January 14, 1932, from the State of South Carolina into the State of Georgia, of a quantity of Crisp's Hot Shot that was misbranded, and the second information charging shipment by the defendants named therein, in violation of the Food and Drugs Act as amended, on or about May 30, 1933, of a quantity each of Crisp's Hot Shot and Crisp's Sta-Well that were misbranded.

Analyses showed that Crisp's Hot Shot consisted essentially of turpentine oil, tar oil, mineral oil, magnesium hydroxide (1.5 grams per 100 cc) and small proportions of phenols, fatty acids, gums and rosin; and that Crisp's Sta-Well consisted essentially of powdered iron, arsenic compound, and material derived from plant drugs, including *nox vomica* and licorice.

Crisp's Hot Shot was alleged in each of the two libels to be misbranded in that statements regarding its curative or therapeutic effects, appearing upon the bottle and carton labels and in an accompanying circular, falsely and fraudulently represented that the article was effective as a nerve sedative and effective to keep dogs well.

Crisp's Sta-Well was alleged in the second libel to be misbranded in that statements regarding its curative or therapeutic effects, appearing upon the label of the packages, falsely and fraudulently represented that the article was effective as a general conditioner; effective as a remedy for dog ailments; effective to tone up the system, to restore the appetite, and to put new life in dogs; and effective to protect the life of dogs and to keep dogs well.

On December 11, 1935, the defendants in the two informations entered pleas of *nolo contendere*, and the court imposed fines amounting to \$20.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26124. Adulteration and misbranding of Dabon Brushless Modern Shaving Cream. Adulteration and misbranding of Dr. Browns Baby Oil. Misbranding of Dr. Browns Food Lax. U. S. v. Nostane Products Corporation. Plea of guilty in part; verdict of guilty in part. Fine, \$450. (F. & D. no. 33826. Sample nos. 6502-B, 67597-A, 67598-A.)

This case involved interstate shipments of Dabon Brushless Shaving Cream, Dr. Browns Baby Oil, and Dr. Browns Food Lax. The Dabon Brushless Shaving Cream was misrepresented on the label as being antiseptic, and the label bore a false and fraudulent representation regarding its curative or therapeutic effect as a healing agent. Dr. Browns Baby Oil was misrepresented on the label as having antiseptic and germicidal properties, and the label bore a false and fraudulent representation regarding its curative or therapeutic effect in the treatment of skin irritations of babies. Dr. Browns Food Lax was misrepresented on the label and in an accompanying circular as being a food instead of a medicine, and the label and circular bore and contained false and fraudulent representations regarding its curative or therapeutic effect with respect to various diseases and ailments.

On June 21, 1935, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Nostane Products Corporation, Brooklyn, N. Y., charging shipment by said corporation in violation of the Food and Drugs Act, as amended, from the State of New York into the State of New Jersey on or about March 10, 1934, of a quantity of Dabon Brushless Modern Shaving Cream which was adulterated and misbranded on or about March 15, 1934, of a quantity of Dr. Browns Baby Oil which was adulterated and misbranded; and on or about January 30 and May 25, 1934, of quantities of Dr. Browns Food Lax which was misbranded.

Analyses showed that the Dabon Brushless Modern Shaving Cream consisted essentially of stearic acid, some potassium stearate, and unsaponifiable matter, emulsified with a large proportion of water; that Dr. Brown's Baby Oil consisted of a neutral mixture of mineral and fatty oils with a small amount of thymol; and that Dr. Browns Food Lax consisted essentially of agar-agar and various species of *Plantago*.

The Dabon Brushless Modern Shaving Cream was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since the article was represented on the label to be antiseptic when used as directed; whereas in fact the article was not antiseptic when so used. Said article was alleged to be misbranded in that the statement "Antiseptic", borne on the labels of the jars containing the article, was false and misleading in that it represented that the article was antiseptic when

used as directed; whereas in fact the article was not antiseptic when so used. Said article was alleged to be misbranded further in that statements regarding the curative and therapeutic effect of the article, appearing on the labels of the jars, falsely and fraudulently represented that the article was effective as a healing agent.

Dr. Browns Baby Oil was alleged to adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since the article was represented on the label to be antiseptic and germicidal when used as directed; whereas in fact the article was not antiseptic or germicidal when so used. Said article was alleged to be misbranded in that the statements, "An Antiseptic", "Its germicidal and antiseptic properties give it the power to kill and prevent the growth of germs", "Directions Rub Dr. Browns Baby Oil over the baby's entire body as often as necessary", and "The antiseptic action * * *", borne on the labels of the bottles containing the article, were false and misleading in that they represented that the article was antiseptic and germicidal when used as directed, and that the article was antiseptic to kill and prevent the growth of germs; whereas in fact the article was not antiseptic or germicidal when so used, and the article did not have the power to kill or to prevent the growth of germs. Said article was alleged to be misbranded further in that statements regarding the curative and therapeutic effect of the article, appearing on the labels of the bottles, falsely and fraudulently represented that the article was effective to afford adequate protection against rash and skin irritations in the skin folds of babies.

Dr. Browns Food Lax was alleged to be misbranded in that the statements, "Food Lax", "Laxative Accessory Food", "food laxative", and "Food Lax is an accessory food, not a medicine"; borne on the package containing the article and contained in an accompanying circular, were false and misleading in that they represented that the article was a food product, and that it was a laxative accessory food and not a medicine; whereas, in fact, the article was not a food product, and was not a laxative accessory food. Said article was alleged to be misbranded further in that statements regarding the curative and therapeutic effect of the article, appearing on the labels of the packages and contained in an accompanying circular, falsely and fraudulently represented that the article was effective to regulate the bowels, to give new energy, health and pep, to increase vitality, to supply favorable media for the return of essential germ life in the intestines, to tone up and purify the whole intestinal tract, to remove poison-forming matter, and to improve digestion; effective as a treatment, remedy, and cure for loss of appetite, dull headaches, habitual constipation, and the many other ailments resulting therefrom; and effective as a treatment, remedy, and cure for auto-intoxication and ailments due to auto-intoxication or allied with constipation, such as indigestion, inactive liver, gas in bowels or stomach, pains after eating, backaches, rheumatism, catarrh, headaches, dropsy, heartburn, heart palpitation, confusion or dullness of mind, sexual weakness, fistula, hemorrhoids, feverish sensations, weak joints, obesity, thinness, deafness due to catarrh, gallstones, colitis, boils, pimples and other skin disorders, eyestrain, irritability, neuralgia, nervousness, neurasthenia, insomnia, prostatitis, pruritis, general debility, and sluggish bowels.

On February 5, 1936, a plea of guilty was entered on behalf of the defendant corporation as to the counts of the information that related to Dabon Brushless Modern Shaving Cream and Dr. Browns Baby Oil, a verdict of guilty was returned after trial of the counts of the information relating to Dr. Browns Food Lax, and the court imposed a fine of \$450.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26125. Misbranding of Ten-In-One. U. S. v. Glen France (France Drug Co.). Tried to the court. Judgment of guilty. Fine, \$220. (F. & D. no. 33953. Sample nos. 72513-A, 72514-A.)

This case involved interstate shipments of Ten-In-One the bottle labels of which and an accompanying circular and leaflet, bore and contained false and fraudulent statements regarding the curative or therapeutic effects of the article with respect to diseases of poultry.

On June 28, 1935, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Glen France trading as France Drug Co., Forest City, Mo., charging shipment by said defendant in violation of the Food and Drugs Act as amended on or about February 24 and March 15, 1934, from