ments represented that the article would be efficacious in the treatment of horses for all ailments requiring an external application; that when applied to the belly it would assist in drawing the blood to the surface and relieve the tendency to congestion of the bowels; that it had penetrating, healing and relieving properties; that it would allay inflammation, relax the cords and muscles, and aid the circulation of the blood to the diseased parts; that it would be efficacious in the treatment of coffin-joint lameness, sweeny, stone and bruised shoulder, sciatica or hip sweeny, sitfast, sore back, enlargement of the hock, contracted feet or hoof-bound, rheumatism, corns, thrush or rotten frog, scratches or grease-heel, founder, sprung knees, cocked ankles, weak eyes, and sores.

The article was alleged to be misbranded further (1) in that its label did not bear a list of the active ingredients; and (2) in that the label did not bear a statement of the quantity of the contents.

On November 14, 1940, no claimant having appeared, judgment was entered ordering that the product be destroyed.

**526. Misbranding of Apex Special Hair Pomade and Apex Pomento. U. S. v. 158 Cans of Apex Special Hair Pomade and 26 Cans of Apex Pomento. Default decree of condemnation and destruction.** (F. D. C. Nos. 2345, 2346. Sample Nos. 24011–E, 24012–E, 24013–E.)

These products were both short of the declared weight, and their containers were filled to approximately three-fourths of their capacity. The labeling of the Pomade bore false and misleading representations regarding its efficacy, and also failed to bear a statement of the common or usual names of the active ingredients.

On July 10, 1940, the United States attorney for the Eastern District of Pennsylvania filed a libel against the above-named products at Philadelphia, Pa., alleging that the articles had been shipped on or about July 1, 1940, from Atlantic City, N. J., by the Apex News & Hair Co. Inc.; and charging that they were misbranded.

Analysis of a sample of the Pomade showed that it consisted of a small proportion of coal tar incorporated in petrolatum.

Both products were alleged to be misbranded in that the following statements were false and misleading since they were incorrect: (Pomade) "Net Contents 3 Ozs. [or "Net Contents ¾ Oz."]"; and (Pomento) "Net Contents 1–½ Ozs." Both products were alleged to be misbranded further in that their containers were so made, formed, or filled, as to be misleading. The Pomade was alleged to be misbranded further in that the following statements on the can were false and misleading since they represented that the article was efficacious for the purposes recommended, whereas it was not efficacious for such purposes: (Cans, both sizes) "for stubborn cases of dandruff, thin and falling hair," (cans, 3-ounce size) "It aids * * * in protecting the scalp from minor scalp ailments. Excellent for thin temples." The Pomade was alleged to be misbranded further in that its label failed to bear a statement of the common or usual names of the active ingredients.

On July 29, 1940, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

**527. Misbranding of Overnight Hair-A-Gain. U. S. v. 30 Packages of Overnight Hair-A-Gain. Default decree of condemnation and destruction.** (F. D. C. No. 3364. Sample No. 45950–E.)

On November 14, 1940, the United States attorney for the District of Oregon filed a libel agaist 30 packages of Overnight Hair-A-Gain at Portland, Oreg., alleging that the article had been shipped on or about October 19, 1940, by Georgia O. George from Los Angeles, Calif.; and charging that it was misbranded.

Examination of a sample showed that the article was essentially a semi-solid soap with tar.

It was alleged to be misbranded in that the following statements appearing on the label created the false and misleading impression that its use would be effective in promoting the growth of hair: "Overnight Hair-A-Gain * * * Blood Grows Hair (This product does not grow hair —The hair growing element comes from the blood) Hair grows from blood." It was alleged to be misbranded further in that the label did not bear the common or usual names of the active ingredients.

On January 9, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.