

labels were false and misleading, since it was not efficacious for the purposes recommended.

It was alleged to be misbranded further in that its label did not bear an accurate statement of the quantity of the contents; and in that the label did not bear the common or usual names of the active ingredients, and some of the labels did not bear a statement of the quantity or proportion of alcohol that it contained.

On March 11, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

363. Misbranding of Wonder Dandruff Cure. U. S. v. 69 Bottles of Wonder Dandruff Cure. Default decree of condemnation and destruction. (F. D. C. No. 3721. Sample No. 52198-E.)

The label of this product contained false and misleading representations regarding its efficacy in the conditions indicated below. It also failed to bear a statement of the quantity and proportion of alcohol and arsenic and an accurate statement of the quantity of contents.

On January 29, 1941, the United States attorney for the District of Oregon filed a libel against 69 bottles of Wonder Dandruff Cure at Eugene, Oreg., alleging that the article had been shipped on or about August 3, 1940, by the Wonder Dandruff Cure Co. from Cedar Rapids, Iowa; and charging that it was misbranded.

Analysis of a sample of the article showed that it was an artificially colored, perfumed aqueous fluid containing arsenic, alcohol, and glycerin.

The article was alleged to be misbranded in that the following statements appearing in the labeling were false and misleading since it was not efficacious for the purposes recommended: "Wonder Dandruff Cure * * * positively eradicates dandruff, restores lifeless hair to a healthy natural condition and prevents it from coming out, stops irritation and itching of the scalp. The Wonder Dandruff Cure Company. Apply to scalp with fingers not more than three times a week until dandruff disappears."

It was alleged to be misbranded further in that the label did not bear the common or usual name of each active ingredient, an accurate statement of the quantity and proportion of alcohol, nor the quantity or proportion of arsenic or any derivative or preparation of arsenic.

On March 11, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

364. Misbranding of Marie de Medicis Scalp Food. U. S. v. 9 $\frac{1}{2}$ Dozen Retail Packages of Marie de Medicis Scalp Food. Default decree of condemnation and destruction. (F. D. C. No. 3976. Sample No. 28151-E.)

The labeling of this product bore false and misleading representations regarding its efficacy in the conditions indicated hereinafter.

On March 14, 1941, the United States attorney for the District of Maryland filed a libel against 9 $\frac{1}{2}$ dozen retail packages of Marie de Medicis Scalp Food at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about September 30, 1940, from Philadelphia, Pa., by Marie de Medicis Products Co.; and charging that it was misbranded.

Analysis showed that the article consisted of a perfumed brown ointment containing free sulfur, lanolin, and petrolatum.

The article was alleged to be misbranded in that representations in the labeling regarding its efficacy to make the hair beautiful and healthy, to nourish the scalp, to loosen a dry scalp; and its efficacy in the treatment of dandruff, falling hair, itching scalp, and various scalp ills, were false and misleading since it was not efficacious for the purposes recommended. It was alleged to be misbranded further in that it was fabricated from two or more ingredients and the label did not bear the common or usual name of each active ingredient.

On April 16, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

365. Misbranding of Iodimelk. U. S. v. 151 $\frac{1}{2}$ Gallons of Iodimelk. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 2400. Sample No. 4526-E.)

The labeling of this veterinary product contained false and misleading representations regarding its efficacy in the conditions indicated below, and it also failed to bear certain information required by law.

On or about July 26, 1940, the United States attorney for the Northern District of Illinois filed a libel against 151 $\frac{1}{2}$ gallons of Iodimelk at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about June 8,

1940, by the Dawes Products Co. from Denver, Colo.; and charging that it was misbranded.

Analysis showed that it consisted essentially of concentrated buttermilk and combined iodine.

The article was alleged to be misbranded in that the following statements in the labeling were false and misleading since they represented that it was efficacious for the purposes recommended; whereas it was not efficacious for such purposes: "Digestive Tract Control of Cocci * * * An Aid in Control of Coccidiosis Blackhead in Poultry Ducks Turkeys Game Fowls." It was alleged to be misbranded further in that the label failed to bear an accurate statement of the quantity of contents; in that the label failed to bear the name and address of the manufacturer, packer, or distributor; and in that it failed to bear the common or usual names of the active ingredients of the article.

On September 6, 1940, the Dawes Products Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond for relabeling under the supervision of the Food and Drug Administration.

366. Misbranding of Ko-Ex-7 Powder and Ko-Ex-7 Mastitis Detector. U. S. v. 11 Packages of Ko-Ex-7 Powder and 11 Packages of Ko-Ex-7 Mastitis Detector. Default decrees of condemnation and destruction. (F. D. C. Nos. 2250, 2251. Sample Nos. 3665-E, 3666-E.)

The labeling of these veterinary products bore false and misleading representations regarding their efficacy in the conditions indicated hereinafter. The label of the Mastitis Detector failed to bear the common or usual name of the active ingredient, namely, bromthymol blue.

On June 25, 1940, the United States attorney for the Western District of Pennsylvania filed libels against 11 16-ounce packages of Ko-Ex-7 Powder and 11 packages of Ko-Ex-7 Mastitis Detector at Meadville, Pa., alleging that the articles had been shipped in interstate commerce on or about May 3, 1940, by the Sunset Feed & Grain Co., Inc., from Buffalo, N. Y.; and charging that they were misbranded.

Analysis showed that the Ko-Ex-7 Powder consisted essentially of potassium nitrate, ferrous sulfate, boric acid, together with small proportions of ammonia and plant material; and that the Ko-Ex-7 Mastitis Detector consisted of a square of blotting paper, a portion of which had been impregnated with an indicator such as bromthymol blue, the purpose of which was to determine whether a solution placed thereon was acid or alkaline in reaction.

The mastitis detector was alleged to be misbranded in that the following statements in the labeling were false and misleading: "To stop losses from Mastitis—Use the Ko-Ex-7 Mastitis Detector * * * If detector shows milk derangement segregate cow at once, and begin treatment." It was alleged to be misbranded further in that the label failed to bear the common or usual name of the active ingredient.

The Ko-Ex-7 Powder was alleged to be misbranded in that representations in the labeling that it was efficacious in the treatment of mastitis, or garget, that it would help correct faulty metabolism, that it would bring about normal milk secretion, that it would be efficacious to control mastitis and stop mastitis losses, were false and misleading since it would not be efficacious for such purposes.

On July 30, 1940, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

CRIMINAL PROSECUTIONS

367. Misbranding of Axine Plates. U. S. v. Walter Gordon Pervis. Tried to the court and a jury. Verdict of guilty. Defendant sentenced to 6 months in jail and \$1,000 fine. Jail sentence suspended and defendant placed on probation for 2 years. (F. D. C. No. 958. Sample No. 72023-D.)

The labeling of this device bore false and misleading representations and designs regarding its efficacy in the conditions indicated below.

On June 1, 1940, the United States attorney for the Middle District of Georgia filed an information against Walter Gordon Pervis, of Tennille, Ga., alleging shipment on or about September 30, 1939, from the State of Georgia into the State of Missouri of a quantity of Axine Plates which were misbranded. Accompanying the article was a circular headed "Health Without Medicine" which bore a design showing two individuals, one an invalid on crutches opposite whom was a figure purporting to be the same individual but healthy and vigorous. Emanating from the heels of the healthy individual were radiations indicating