

ALLEGED SHIPMENT: On or about May 5, 1948, by Plant Products Co., Inc., from Burbank, Calif.

PRODUCT: 28 cartons of *Cravex* at Beaumont, Tex. Examination showed that the product consisted essentially of calcium and magnesium phosphate, glycerophosphates, caffeine, and milk sugar.

NATURE OF CHARGE: Misbranding, Section 502 (a), the following label statements were false and misleading since the article was not a treatment for the causes and effects of over-indulgence in liquor: (Carton) "Cravex" and (circular in some cartons) "It has been shown that alcohol chiefly affects the nervous system, which causes nervous irritability and frequently results in malnutrition. Cravex is a nerve tonic which contains several substances which are helpful in the treatment of both the causes and effects of over-indulgence."

DISPOSITION: November 8, 1948. Default decree of condemnation and destruction.

2640. Misbranding of Mentos. U. S. v. Mentos Products Co., Inc., and James Mento. Pleas of nolo contendere. Fine of \$100 against each defendant. (F. D. C. No. 25570. Sample No. 10498-K.)

INFORMATION FILED: September 9, 1948, Eastern District of Pennsylvania, against Mentos Products Co., Inc., Philadelphia, Pa., and James Mento, president.

ALLEGED SHIPMENT: On or about January 14, 1948, from the State of Pennsylvania into the State of New York.

PRODUCT: Analysis showed that the product consisted essentially of an aqueous suspension of sulfur containing approximately 2.5 grams of sulfur per 100 cc., with dissolved boric acid and borates as boric acid, approximately 1.2 grams per 100 cc., and a small amount of dissolved ammonium carbonate.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the labeling of the article, which included a circular entitled "Mentos Medicine," were false and misleading. The statements represented and suggested that the article would be efficacious for relief from scalp and skin diseases; that it would be effective against all types of germs; that it would relieve inflammation of the glands and acne; that it would be efficacious in the cure, mitigation, and treatment of severe cases of dandruff, eczema, psoriasis, ringworm, excess falling hair, thin dry hair, and acne. The article would not be efficacious for such purposes.

DISPOSITION: December 20, 1948. Pleas of nolo contendere having been entered, the court imposed a fine of \$100 against each defendant.

2641. Misbranding of Scalpex. U. S. v. 34 Large Bottles, etc. (F. D. C. No. 24878. Sample No. 18500-K.)

LIBEL FILED: June 11, 1948, Southern District of Indiana.

ALLEGED SHIPMENT: On or about January 17, 1948, by the United Barbers Mfg. & Supply Co., from Commercial Point, Ohio.

PRODUCT: 34 large bottles and 34 small bottles of *Scalpex* at Richmond, Ind. Examination showed that the product consisted essentially of water, alcohol, soap, menthol, capsicum, perfume, and a red coloring matter.

NATURE OF CHARGE: Misbranding, Section 502 (a), the following label statements were false and misleading since the article was not effective in the

treatment of the conditions stated: "A scientific treatment for dandruff in any form, eczema, itching and other scalp troubles. Scalpex stimulates and invigorates the nerves of scalp, increasing the blood supply which nourishes the hair roots, thus aiding growth of hair. You feel it work. * * * Scalpex relieves ordinary cases of Dandruff, Itching scalp, etc., when thoroughly massaged in after the shampoo, and then used one to three times a week. In stubborn cases quick relief comes from the following treatment: 1st, apply Scalpex a little at a time; rub in well until scalp is covered. 2nd, shampoo with mild soap, using fairly hot water; 3rd, when hair is almost dry, apply Scalpex again, and dress hair. * * * After scalp is in normal condition, Scalpex will keep it healthy."

Further misbranding, Section 502 (b) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents; and, Section 502 (e) (2), the label of the article failed to bear the common or usual name of each active ingredient, including the quantity, kind, and proportion of alcohol contained therein.

DISPOSITION: September 24, 1948. Default decree of forfeiture and destruction.

2642. Misbranding of A-1 Salve. U. S. v. 26 Jars, etc. (F. D. C. No. 25561. Sample Nos. 31622-K to 31624-K, incl.)

LIBEL FILED: September 8, 1948, Southern District of California.

ALLEGED SHIPMENT: On or about July 17, 1948, from Chicago, Ill.

PRODUCT: 26 4-ounce jars of *A-1 Salve regular*, 16 2-ounce jars of *A-1 Salve for minor skin irritations*, and 4 2-ounce jars of *A-1 Salve No. 2* at Los Angeles, Calif. There were also in the possession of the dealer at Los Angeles a number of placards entitled "Skin Disorders of Mycotic Infections." Two of the placards, together with dummy packages of the products, were exhibited in the dealer's window. Examination showed that the product in the 26-jar and 16-jar lots was an ointment containing sulfur, salicylic acid, and zinc oxide, and that the article in the 4-jar lot was an ointment containing tannic acid and ichthammol.

NATURE OF CHARGE: The articles were misbranded while held for sale after shipment in interstate commerce under Section 502 (a), in that the following statements and designs on the placards were misleading: "Skin Disorders * * * Varicose Ulcer * * * Weeping Eczema * * * Psoriasis * * * Alopecia Eczema * * * Try A-1 Salve [photographs showing these skin disorders]." The statements and designs represented and suggested that the articles were effective in the treatment of the diseases and conditions stated. The articles were not effective for such purposes, and the misleading impression was not corrected by the following statements which were printed in small, relatively inconspicuous type, for it was obvious that the purpose in presenting the pictures was to induce people to use the salve for such conditions: "These are photographs of limbs afflicted with Varicose Ulcers and Weeping Eczema. Such cases are due to systemic causes which require the attention of a physician. If an ointment is indicated as a dressing by the attending physician, we suggest the use of A-1 Salve No. 2," and "These are pictures of acute Psoriasis, Alopecia, and Eczema. They may become chronic and require the services of a competent physician. In such cases, if the physician advises the use of an ointment as a dressing, we suggest the use of A-1 Salve."

DISPOSITION: October 19, 1948. Default decree of condemnation and destruction.