

3589. Misbranding of Swissco hair and scalp remedy. U. S. v. 50 Cases * * * Swissco Hair and Scalp Remedy. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 5642. I. S. No. 9526-h. S. No. E-12.)

On March 23, 1914, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 50 cases, each containing 3 dozen packages of Swissco hair and scalp remedy, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the product had been shipped on or about November 11, 1913, and transported from the State of Ohio into the State of New York, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: (On shipping containers) "3 doz. \$1.00 size Swissco Hair and Scalp Remedy Guar. by S.H.R.Co., under the F. and D. Act, June 30, 1906, Serial No. 2545, Swissco Hair Remedy Co., Cincinnati, Ohio." (On carton) "Swissco Hair and Scalp Remedy. Contains not over 14 per cent Alcohol. Stops Falling Hair, Imparts Color to Gray or Faded Hair, Removes Dandruff, Relieves Scalp Diseases, and Promotes Hair Growth. Rub Well into the Scalp Night and Morning. Always Shake before using. Price \$1.00. Swissco Hair Remedy Co., Cincinnati, Ohio, U. S. A. Guaranteed by Swissco Hair Remedy Co., under Food and Drugs Act June 30, 1906. No. 2545."

Misbranding of the product was alleged in the libel for the reason that the labels on the bottles bore a statement regarding the article and the ingredients and substances contained therein which was false and misleading, to wit: "Stops falling hair, removes dandruff, relieves scalp diseases, and promotes hair growth;" further, in that the labels on the bottles and the circulars encased [inclosed] in the cartons bore and contained statements regarding the curative and therapeutic effect of said article and the ingredients and substances contained therein which were false and fraudulent, which statements were as follows: (a) (In pink circular accompanying package) "Swissco Hair and Scalp Remedy consists almost exclusively of concentrated food for the hair itself. This food is carried in solution in a nourishing tonic liquid, which is penetrating in nature and which brings it in direct contact with the follicles themselves. This famous remedy embodies a vital principle in the treatment of the hair and scalp. It is real hair food. Remember Swissco Hair and Scalp Remedy is a harmless hair food. Swissco Hair and Scalp Remedy contains in condensed form the elements which are essential to hair health. It not only acts as a tonic but at the same time feeds the weakened and starved hair roots and follicles and sends life and vigor coursing to the farthest extremity of every hair in the head. It matters not if the scalp be bald as the proverbial egg, if the slightest spark of vitality smoulders in the hair follicles they can be quickened from their apparent deadness and new hair should grow luxuriantly and abundantly. Relieves scalp diseases; in cases of scalp disease, Swissco Hair and Scalp Remedy will be found invaluable, as it contains elements which are antagonistic to parasites, bacteria and germs of all kinds, and utterly destroys them wherever applied, thus allowing the scalp to return to its usual health." (b) (In white circular accompanying package) "Here is positive proof that Swissco stops hair falling, makes the hair grow out on the baldest heads, restores the hair to youthful vigor, brings back the natural color to gray or faded hair, and stops dandruff and other scalp trouble. By invigorating the nerves about the hair follicles, the formation of coloring matter may be again stimulated into activity. Swissco puts new vigor into the hair roots and into the hair itself, giving back to it strength and the fluffiness possessed by healthy hair. Swissco acts directly upon the roots of the hair stimulating them into activity and invigorating them so that the hair bulbs may regain their youthful vigor, so that the formation of hair may be once more put into steady operation. If there is any life at all in the roots, Swissco should bring it out into full activity and force the hair to grow out."

On June 22, 1914, a claim and stipulation for costs having been filed by Adolph Raine, intervening as agent for the M. N. Cossenias Selling Agency, New York, N. Y., claimant, and the said claimant having duly consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon payment of all costs of the proceedings and the execution and delivery by said claimant of a good and sufficient bond in the penalty of \$250, in conformity with section 10 of the act, one of the conditions of the bond being that the product should be relabeled, and further conditioned that all circulars contained in the packages and cartons be removed.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 19, 1915.*