

peutic effects, appearing on the label, were false and fraudulent: "This preparation applied to scalp prevents Dandruff and Eczema. Keeps the hair from falling, strengthens the growth * * *." The article in the 2-ounce jars was alleged to be misbranded in that the statements contained in a circular enclosed with the jar, "Olivo (The Scalp Food Supreme) Contains Genuine Italian Olive Oil" and "* * * is a preparation containing Olive Oil", were false and misleading in that they represented that it contained genuine Italian olive oil and that it was a preparation containing olive oil; whereas it did not contain genuine Italian olive oil and was not a preparation containing olive oil. It was alleged to be misbranded further in that the following statements regarding its curative or therapeutic effects, borne on the cartons and jar labels and contained in an accompanying circular, were false and fraudulent: (Carton) "Prevents Dandruff and Eczema * * * Improves the growth of the hair"; (jar label) "This preparation applied to the scalp prevents Dandruff and Eczema. Keeps the hair from falling, strengthens the growth * * *"; (circular) "Guaranteed to Eradicate Dandruff End Itchy Scalp Stop Falling Hair * * * Prevents Dandruff, Eczema. Retards falling hair, * * * One of the most important marks * * * is a healthy, well kept head of hair. * * * for the purpose of * * * keeping the scalp in a healthy normal condition. * * * Olivo will promote the growth of hair by preventing dandruff and eczema, * * * If properly used, marvelous results will be obtained for all kinds of scalp ailments. The medicinal ingredients in this preparation are beneficial for the eradication of dandruff and aid in the destruction of scalp bacteria. * * * First massage the scalp with the palm and finger tips for 90 seconds. This will awaken dormant hair cells and stimulates scalp action. Then apply Olivo—rubbing lightly until it is absorbed by the corium."

On March 23, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the products be destroyed.

H. A. WALLACE, *Secretary of Agriculture.*

27231. Misbranding of Chloraide. U. S. v. Farmaide Products Co. Plea of nolo contendere. Fine, \$75. (F. & D. no. 38613. Sample no. 49414-B.)

The labeling of this preparation bore false and fraudulent curative and therapeutic claims.

On February 2, 1937, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Farmaide Products Co., a corporation trading at Lincoln, Nebr., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about June 19, 1936, from the State of Nebraska into the State of Missouri of a quantity of Chloraide that was misbranded.

Analysis showed that the article consisted of sodium hypochlorite, sodium chloride, sodium hydroxide, sodium carbonate, and water.

It was alleged to be misbranded in that certain statements, designs, and devices regarding its therapeutic and curative effects, borne on the bottle labels and cartons and in a booklet and circular enclosed in the cartons, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for skin eruptions and bunions; effective as a treatment, remedy, and cure for ailments of poultry, to assure the continued health and growth of poultry, as a preventive and treatment of diseases of poultry, and as a preventive of bacillary white diarrhea, and brooder pneumonia; effective as a treatment, remedy, and cure for coccidiosis, roup, canker, chickenpox, avian diphtheria, aspergillosis, bronchitis, infectious bronchitis, cholera, diarrhea, and enteritis; effective to destroy bacteria and germs before they can find a culture in which to germinate; and effective as a preventive of diseases in hogs.

The information charged that the article also was misbranded in violation of the Insecticide Act of 1910, reported in notice of judgment no. 1547 published under that act.

On March 13, 1937, a plea of nolo contendere was entered on behalf of the defendant, and the court imposed a fine of \$75 for violations of both acts.

H. A. WALLACE, *Secretary of Agriculture.*

27232. Misbranding of Iowa Roup Remedy. U. S. v. Howard-Iowa Products Co., and William G. Howard. Plea of nolo contendere. Fine, \$40 and costs. (F. & D. no. 38627. Sample no. 5128-C.)

The labeling of this product bore false and fraudulent curative and therapeutic claims.

On March 25, 1937, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Howard-Iowa Products Co., a corporation, Jefferson, Iowa, and William G. Howard, alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about January 9, 1936, from the State of Iowa into the State of Minnesota of a quantity of Iowa Roup Remedy that was misbranded.

Analysis showed that the article consisted essentially of a dark solution of volatile and nonvolatile mineral oil containing creosote and tarry material.

It was alleged to be misbranded in that certain statements regarding its therapeutic and curative effects, borne on the can label, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for roup.

The information charged that it also was misbranded in violation of the Insecticide Act of 1910, reported in notices of judgment published under that act.

On April 16, 1937, pleas of nolo contendere were entered on behalf of the defendants and the court imposed a fine of \$20 and costs against each defendant for violation of both acts.

H. A. WALLACE, *Secretary of Agriculture.*

27233. Misbranding of double-distilled witch hazel. U. S. v. 573 Bottles of Double Distilled Witch Hazel. Default decree of condemnation and destruction. (F. & D. no. 38777. Sample no. 11592-C.)

The label of this article bore false and fraudulent representations regarding its curative or therapeutic effects.

On December 8, 1936, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 573 bottles of witch hazel at Boston, Mass., alleging that it had been shipped in interstate commerce on or about October 2, 1936, by the Gotham Sales Co., from New York, N. Y., and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis of the article showed that it consisted essentially of witch-hazel water.

It was alleged to be misbranded in that the following statements regarding its curative or therapeutic effects, borne on the bottle labels, were false and fraudulent: "For the relief of * * * burns, scalds, wounds, painful swellings, lame back, piles, sore throat, neuralgia, rheumatism, * * *. etc."

On March 29, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

H. A. WALLACE, *Secretary of Agriculture.*

27234. Adulteration and misbranding of Harosma. U. S. v. 128 Bottles of Harosma. Default decree of condemnation and destruction. (F. & D. no. 39028. Sample no. 13145-C.)

This product contained less phenacetin than the quantity represented on the label, which also bore false and fraudulent curative or therapeutic claims.

On February 2, 1937, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 128 bottles of Harosma at Buffalo, N. Y., alleging that it had been shipped in interstate commerce on or about January 4 and 7, 1937, by Erie Laboratories, from Cleveland, Ohio, and that it was adulterated and misbranded in violation of the Food and Drugs Act as amended.

Analysis of the article showed that each capsule consisted essentially of acetophenetidin (phenacetin, 2.5 grains), aspirin (2.7 grains), and caffeine ($\frac{1}{4}$ grain).

It was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, "Each Capsule Contains Phenacetin 4 grs.", in that each capsule in fact contained less than 4 grains of phenacetin.

It was alleged to be misbranded in that the statement, "Each Capsule Contains Phenacetin 4 grs.", borne on the label, was false and misleading in that each capsule in fact contained less than 4 grains of phenacetin. It was alleged to be misbranded further in that the statements regarding its curative or therapeutic effects, "For lessening the Paroxysms of Hay Fever and Asthma", and "Rose