

21. Adulteration and misbranding of Palmer's Antiseptic Skin Lotion. U. S. v. 36 Bottles of Palmer's Antiseptic Skin Lotion. Default decree of condemnation and destruction. (F. D. C. No. 183. Sample No. 35008-D.)

This product contained mercuric chloride (corrosive sublimate), a poisonous or deleterious substance, which might have rendered it injurious to users, under the conditions of use prescribed in the labeling in which it was recommended for use after shaving and as a beautifier by removing eczema, pimples, dandruff, and itching scaly eruptions. Its labeling failed to reveal facts material with respect to the consequences which might result from its use under the conditions of use prescribed in the labeling or under such conditions of use as are customary or usual.

On March 3, 1939, the United States attorney for the Eastern District of Virginia filed a libel against 36 bottles of Palmer's Antiseptic Skin Lotion at Richmond, Va.; alleging that the article had been shipped in interstate commerce on or about November 25, 1938, by Solon Palmer from New York, N. Y.; and charging that it was adulterated and misbranded. It was alleged to be an adulterated cosmetic for the reasons stated above. It was also alleged to be a misbranded drug, as reported in D. D. N. J. No. 68.

It was also alleged to be adulterated and misbranded in violation of the Food and Drugs Act of 1906, reported in notice of judgment No. 30883 published under that act.

On May 31, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

22. Adulteration and misbranding of Soule's External Lotion. U. S. v. 5 Bottles and 8 Bottles of Soule's External Lotion. Default decrees of condemnation and destruction. (F. D. C. Nos. 221, 229. Sample Nos. 10474-D, 13696-D.)

This product was recommended in its labeling as a treatment for moth, tan, freckles, and pimples. It contained mercuric chloride, a poisonous or deleterious substance, which might have rendered it injurious to users under the conditions of use prescribed, or under such conditions of use as are customary or usual. For the treatment of moth it was directed that a soft cloth be moistened with the lotion, the face bathed morning and evening for 2 or 3 weeks or until a slight roughness was experienced, and that then the lotion be applied evenings until the face became clear; that for tan it be applied every evening; that for freckles it be used in the same manner as for tan unless the case was severe, in which event it should be applied as for moth; and that for pimples it be applied every evening but that if it proved stronger than was pleasant for the face, the cloth be dampened in water, the lotion applied to the damp cloth, and application be made less frequently.

On April 17 and May 13, 1939, the United States attorney for the Southern District of Florida filed libels against 13 bottles of Soule's External Lotion at Jacksonville, Fla.; alleging that the article had been shipped in interstate commerce on or about February 1 and April 18, 1939, by L. M. Brock & Co. from Lynn, Mass.; and charging that it was an adulterated cosmetic for the reasons appearing hereinbefore.

It was also charged to be a misbranded drug as reported in D. D. N. J. No. 70.

On June 22, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

COSMETICS, MISBRANDED (ON ACCOUNT OF DECEPTIVE CONTAINERS)

TOOTH PASTES AND SHAVING CREAM

23. Misbranding of tooth paste. U. S. v. 185 Packages of Sears Tooth Paste and 78 Packages of Walter's Tooth Paste. Default decrees of condemnation and destruction. (F. D. C. Nos. 835, 836. Sample Nos. 73757-D, 73758-D.)

The containers of this product were deceptive since the tubes occupied only 30 percent of the capacity of the cartons. The labeling of Walter's Tooth Paste bore false and misleading representations regarding its efficacy.

On October 30, 1939, the United States attorney for the District of Massachusetts filed libels against 263 packages of tooth paste at Boston, Mass.; alleging that the article had been shipped in interstate commerce on or about July 12, August 10, and September 25, 1939, by the Sheffield Co. from New London, Conn.; and charging that it was misbranded. It was labeled in part: (Cartons and tubes) "Sears Tooth Paste * * * Distributed by Sears, Roebuck and Co. Chicago, Ill.;" or "Walter's For The Gums Tooth Paste * * * Sold Only By Sears, Roebuck and Co."