

Analysis of a sample of the article showed that it consisted essentially of stearic acid, water, buttermilk, and a small amount of borax. The contents of the tube were found to weigh approximately 2½ ounces avoirdupois.

The article was alleged to be misbranded in that certain statements in a leaflet entitled "Howard's Buttermilk Cream Soap," and in a leaflet entitled "How to Beautify With Howard's Butybring Products Howard's Buttermilk Cream," enclosed in the carton containing the article, represented and suggested that it would be effective to clear the skin and would clear and revivify a neglected or impoverished skin; that it would smooth wrinkles and make old, hardened, coarse skin become fresh, soft, and youthful looking; that it would keep the skin in perfect condition; that it would smooth and clear dull and lifeless complexions; and that it would build up the throat, were false and misleading since the article would not be effective for such purposes. It was alleged to be misbranded further in that it was in package form and its label failed to bear an accurate statement of the quantity of the contents, since the statement on the carton, "Net Wgt. 1¾ Oz.," was incorrect.

On November 21, 1942, the Howard Bros. Chemical Co. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be relabeled by correcting the carton labeling and removing the enclosed leaflets, under the supervision of the Food and Drug Administration.

**108. Misbranding of Vita-Ray Vitamin Cream. U. S. v. 86 Jars, 12 Jars, and 8 Jars of "Vita-Ray Vitamin Cream." Consent decree of condemnation. Product ordered delivered to a public institution. (F. D. C. No. 4475. Sample No. 56763-E.)**

On April 25, 1941, the United States attorney for the Southern District of New York filed a libel against 86 4-ounce jars, 12 8-ounce jars, and 8 16-ounce jars of Vita-Ray Vitamin Cream at New York, N. Y., alleging that the article had been shipped in interstate commerce within the period from on or about January 28 to April 2, 1941, by the Vita Ray Corporation from Lowell, Mass.; and charging that it was misbranded.

Analysis of a sample of the article showed that it consisted essentially of mineral oil and waxes, emulsified with water by means of borax, and lightly perfumed. It was essentially a perfumed cold cream. Biological examination showed that it contained 5 U. S. P. units of vitamin D per gram.

The article was alleged to be misbranded in that the following statements, "Vita-Ray Sun-Ray VITAMIN CREAM \* \* \* Just as vitamins help make a healthy body, so they help make a beautiful skin. Vita-Ray Cream brings directly to your skin Vitamins A and D and gives the skin a soft, radiant smoothness," were false and misleading since they represented that the article was of superior cosmetic value because of the presence of vitamins, whereas the presence of vitamins would not beneficially affect its cosmetic value; and since they represented that it would be efficacious for the purposes recommended, whereas it would not be efficacious for such purposes.

On October 16, 1942, the sole intervenor having withdrawn its answer and consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be delivered to a public institution for use of the inmates.

**109. Misbranding of corrective texture cream and revitalized formula cream. U. S. v. 118 Jars and 89 Jars of Corrective Texture Cream and 630 Jars and 421 Jars of Revitalized Formula Cream. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 13004. Sample Nos. 51098-F, 51099-F.)**

On July 20, 1944, the United States attorney for the Eastern District of Pennsylvania filed a libel against 118 jars, each containing 2½ ounces, and 89 jars, each containing 7½ ounces, of corrective texture cream, and 630 jars, each containing 2½ ounces, and 421 jars, each containing 7½ ounces, of revitalized formula cream at Philadelphia, Pa., alleging that the articles had been shipped by the Florita Laboratories, Inc., from New York, N. Y., within the period from on or about November 10, 1943, to June 15, 1944; and charging that the articles were misbranded. The articles were labeled in part: (Jars) "Madame Olga Pataky Corrective Texture Cream [or "A revitalized formula"]."

Analyses showed that both articles consisted essentially of petrolatum, lanolin, and water, with small amounts of borax and perfume.

The corrective texture cream was alleged to be misbranded in that the statements appearing on its label, "Corrective Texture Cream \* \* \* Corrective