

DISPOSITION: August 10, 1944. A plea of guilty having been entered, the defendant was fined \$300 and sentenced to 6 months' imprisonment. The jail sentence was suspended, and the defendant was placed on probation for that period of time.

123. Misbranding of Miracle Aid for Wrinkles. U. S. v. 22 Packages, 119 Bottles, and 29 Bottles of Miracle Aid for Wrinkles. Default decrees of condemnation and destruction. (F. D. C. Nos. 12507, 12775, 14374. Sample Nos. 41209-F, 68166-F, 73306-F.)

LIBELS FILED: Between June 9 and November 3, 1944, Northern District of Ohio, Northern District of California, and Northern District of Texas.

ALLEGED SHIPMENT: Between March 2 and August 8, 1944, by the Miracle Products Co., from Chicago, Ill.

PRODUCT: 22 packages at Cleveland, Ohio, 119 bottles at San Francisco, Calif., and 29 bottles at Dallas, Tex., of Miracle Aid for Wrinkles.

Examination disclosed that the product consisted essentially of water, small amounts of albumin, sodium sulfite, and perfume, with the exception of a portion which consisted essentially of water with small amounts of protein, sodium chloride, sodium benzoate, and perfume.

NATURE OF CHARGE: Misbranding, Section 602 (a), certain statements on the bottle and package labels and in accompanying circulars entitled "For the Preservation and Enhancement of Beauty" and display cards entitled "Wrinkles and Double Chin Vanish" were false and misleading since they represented and suggested that the article would be efficacious to remove wrinkles and double chin; and that it would supply skin tissue protein. The article would not be efficacious for such purposes.

DISPOSITION: Between August 12, 1944, and March 26, 1945. No claimants having appeared, judgments of condemnation were entered and the product was ordered destroyed.

124. Misbranding of Presto for Blackheads. U. S. v. 11 Packages and 108 Dozen Packages of Presto for Blackheads. Default decrees of condemnation and destruction. (F. D. C. Nos. 8100, 9847. Sample Nos. 12815-F, 21698-F.)

LIBELS FILED: August 14, 1942, and April 22, 1943, Western District of Pennsylvania and District of Oregon.

ALLEGED SHIPMENT: On or about July 21, 1942, and March 25, 1943, by the McJohn Cosmetic Co., from Hollywood, Calif.

PRODUCT: 108 dozen packages of Presto for Blackheads at McKeesport, Pa., and 11 packages of Presto for Blackheads at Portland, Oreg.

Examination showed that the product consisted of a stick composed essentially of a mixture of ground pumice and titanium dioxide, incorporated in a hydrated waxy base.

NATURE OF CHARGE: Misbranding, Section 602 (a), the following labeling statements were false and misleading as applied to the product, which was not effective in removing blackheads and in keeping the pores of the skin clean: "Presto for Blackheads Quick Aid For Blackheads * * * A clean skin is the foundation for a beautiful complexion; don't allow your complexion to be marred by unsightly Blackheads. Never squeeze or pinch Blackheads; squeezing injures the skin and encourages large pores and blackheads. Use Presto Stick And Eliminate Squeezing. * * * In cases of stubborn Blackheads use Presto Stick once daily for several days. Thereafter use from time to time, as required, to keep pores clean."

The article was also alleged to be misbranded as reported in notices of judgment on drugs and devices.

DISPOSITION: October 8, 1942, and June 8, 1943. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

125. Misbranding of Olivo For Hair and Scalp. U. S. v. 35½ Dozen Bottles and 11½ Dozen Bottles of Olivo For Hair and Scalp. Default decree of condemnation and destruction. (F. D. C. No. 15075. Sample Nos. 79624-F, 79625-F.)

LIBEL FILED: January 23, 1945, Eastern District of Virginia.

ALLEGED SHIPMENT: Between the approximate dates of August 3 and October 20, 1944, by the Olivo Co., from Philadelphia, Pa.

PRODUCT: 35½ dozen bottles, 8-fluid ounce size, and 11½ dozen bottles, 16-fluid ounce size, of Olivo For Hair and Scalp at Norfolk, Va.

An examination of this product showed that it consisted essentially of alcohol, castor oil, and not more than a trace, if any, of olive oil.

NATURE OF CHARGE: Misbranding, Section 602 (a), the statement, "Olivo," borne on the labels of both sizes and on the bottle cap, and the statement, "Contains * * * Olive Oil," borne on the label of the 16-fluid ounce size, were false and misleading as applied to an article containing not more than a trace, if any, of olive oil.

DISPOSITION: March 7, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

126. Misbranding of Olivo Hair Pomade. U. S. v. 69 Jars of Olivo Hair Pomade. Default decree of condemnation and destruction. (F. D. C. No. 17590. Sample No. 4367-H.)

LABEL FILED: September 21, 1945, District of Delaware.

ALLEGED SHIPMENT: On or about August 24, 1945, by the Manufacturers Drug Distributing Co., Inc., from Philadelphia, Pa.

PRODUCT: 69 16-ounce jars of hair pomade at Wilmington, Del.

Examination showed that the article consisted of unsaponifiable oils and perfume, with not over ¼ percent, if any, of olive oil. The jars were short-weight.

LABEL, IN PART: "Net Contents 16 ozs. Olivo Hair Pomade * * * Contains Petrolatum, Mineral Oil and Olive Oil."

NATURE OF CHARGE: Misbranding, Section 602 (a), the label statement, "Olivo * * * Contains * * * Olive Oil," was false and misleading as applied to an article containing not more than ¼ percent, if any, of olive oil; and, Section 602 (b) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: October 16, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

127. Misbranding of Eau de Quinine Compound Hair Lotion. U. S. v. 86 Bottles of Eau de Quinine Compound Hair Lotion. Default decree of condemnation and destruction. (F. D. C. No. 13083. Sample No. 52512-F.)

LABEL FILED: August 1, 1944, District of Massachusetts.

ALLEGED SHIPMENT: On or about April 15, 1944, by Pinaud, Inc., from New York, N. Y.

PRODUCT: 86 bottles of hair lotion at Boston, Mass.

Examination showed that the product consisted essentially of water, alcohol, perfume, and a red coloring matter, together with not more than 0.02 percent of quinine.

NATURE OF CHARGE: Misbranding, Section 602 (a), the label designation of the article, "Eau de Quinine Compound Hair Lotion," was false and misleading since the article contained an inconsequential amount of quinine.

DISPOSITION: December 4, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

128. Misbranding of Eau de Quinine Compound Hair Lotion. U. S. v. 70 Bottles of Eau de Quinine Compound Hair Lotion. Default decree of condemnation and destruction. (F. D. C. No. 16443. Sample No. 5745-H.)

LABEL FILED: June 15, 1945, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about April 20, 1945, by the Gladiator Supply Co., from New York, N. Y.

PRODUCT: 70 16-ounce bottles of hair lotion at Scranton, Pa.

Examination showed that the article consisted essentially of water, alcohol, perfume, and a red coloring matter, together with not more than 0.02 percent of quinine.

LABEL, IN PART: "Eau de Quinine Compound Hair Lotion * * * Distributors Pinaud Inc. New York."

NATURE OF CHARGE: Misbranding, Section 602 (a), the label designation of the article, "Eau de Quinine Compound Hair Lotion," was false and misleading since the article contained an inconsequential amount of quinine.