

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 862, FOOD AND DRUGS ACT.

MISBRANDING OF A DRUG PRODUCT—"FACE LOTION."

On or about July 10, 1909, the Phillips Medical Company shipped from the State of Nebraska into the State of Colorado a quantity of a drug product labeled: "Phillips' Face Lotion Beware of Imitations R. D. Phillips A radical Cure for any and all Diseases of the Skin Restores it to its natural condition Imparts a feeling of freshness Prepared by Phillips Medical Co., Omaha, Neb. Price \$1.00 Phillips Face Lotion Cures Pimples, Blackheads, Barbers' Itch, Eczema, and any itching or burning of the Skin. It is a cooling application to be used after shaving, leaving the face free from all burning or smarting. * * * " "This package contains 70% Ethyl Alcohol. Guaranteed under the Food and Drugs Act, June 30, 1906. Serial No. 5259." Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and the product was found to contain methyl alcohol 11.2 per cent by volume; ethyl alcohol 38.56 per cent by volume; ash 0.03 per cent, resins, etc., 1.17 per cent, and water 56.4 per cent. As the analysis and report thereon indicated that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded said Phillips Medical Company and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General with a statement of the evidence upon which to base a prosecution.

On September 15, 1910, a criminal information was filed in the District Court of the United States for the District of Nebraska against the said Phillips Medical Company, charging the above shipment and alleging that the product so shipped was misbranded in that it bore the statements: "Is a radical cure for any and all diseases of the skin,"

“Cures pimples, blackheads, barbers’ itch, eczema, and any itching or burning of the skin;” which said statements were false and misleading because said product did not contain ingredients possessing the therapeutic properties adequate to effect such cures. The information alleged the product to be further misbranded in that the label was false and misleading because it represented the product to contain 70 per cent of ethyl alcohol, whereas, in truth and in fact, said product contained 38.56 per cent of ethyl alcohol, and no more.

Upon arraignment the defendant by its president entered a plea of guilty to the above information, whereupon the court imposed a fine of \$10 and costs.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *May 3, 1911.*

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