brittle hair, stimulate the muscles of the appendages of the hair, act as a healing agent in certain types of scalp disorders, grow hair, tone the scalp, prevent dandruff, keep the hair and scalp healthy, and stimulate the flow of blood to the surface of the scalp, whereas the products, either alone or in combination, would not be efficacious for such purposes.

The Special Pink Ointment was alleged to be misbranded further in that its label failed to bear the common or usual name of each active ingredient.

On August 14, 1944, no claimant having appeared, judgment of condemnation was entered and the products and printed matter were ordered destroyed.

1392. Misbranding of Kotalko. U. S. v. 126½ Dozen Packages and 96 Dozen Packages of Kotalko. Consent decree of condemnation. Product ordered released under bond. F. D. C. Nos. 12639, 12670. Sample Nos. 76499–F, 76999–F.)

On May 19 and June 15, 1944, the United States attorney for the District of New Jersey filed libels against 222½ dozen packages of Kotalko at Jersey City, N. J., alleging that the article had been shipped between the approximate dates of January 28 and May 12, 1944, by the Kotalko Sales Co., from New York, N. Y.

Examination showed that the article consisted essentially of an ointment containing, among other ingredients, sulfur and a camphoraceous oil. The box containing the ointment occupied approximately 40 percent of the volume of the carton. The carton also contained circulars entitled "Kotalko Dictory," and "Important Truth Revealed." The article was alleged to be misbranded in essentially the same way that the product described in notices of judgment on drugs and devices, No. 1337, was misbranded.

On November 6, 1944, Rose R. Scott, trading as the Kotalko Sales Co., claimant, having admitted the allegations of the libels, and the cases having been consolidated, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the circulars be destroyed and replaced with new circulars correctly characterizing the product, under the supervision of the Food and Drug Administration.

1393. Misbranding of menthol inhalers. U. S. v. 126 Cartons of Menthol Inhalers. Default decree of condemnation and destruction. (F. D. C. No. 11911. Sample No. 60702–F.)

On February 29, 1944, the United States attorney for the Northern District of California filed a libel against 126 cartons, each containing 12 menthol inhalers, at San Francisco, Calif., alleging that the article had been shipped on or about February 9 and April 9, 1943, by the Eagle Druggists Supply Co., from New York, N. Y.; and charging that it was misbranded.

Examination disclosed that the article contained less than the 7 grains of menthol declared on the label, the average shortage being 17.7 percent.

The article was alleged to be misbranded (1) in that the label statement, "Menthol 7 Grains," was false and misleading since the article did not contain 7 grains of menthol; and (2) in that its label failed to bear an accurate statement of the quantity of the contents, since the statement made was incorrect.

On October 2, 1944, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1394. Misbranding of Miracle Electric Massager. U. S. v. 38 Miracle Electric Massagers. Default decree of condemnation and destruction. (F. D. C. No. 12438. Sample No. 15049–F.)

On May 25, 1944, the United States attorney for the Southern District of California filed a libel against 38 Miracle Electric Messagers at Los Angeles, Calif., alleging that the article had been shipped on or about February 20, 1944, by Miracle Products, Inc., from Chicago, Ill.; and charging that it was misbranded.

The article consisted of a vibrator operated by an electric motor.

The article was alleged to be misbranded because of false and misleading statements on the carton and in an accompanying circular entitled "It's a Miracle! Electric Messager" which represented and suggested that the article would relieve headaches, pain, stiffness, colds, sore muscles, backaches, nervousness, and sleeplessness; that it would be efficacious in the treatment of rheumatism, in relaxing tired muscles, in conditioning the skin and scalp, and in improving complexions and the natural functions of the body; and that it would be beneficial in the preservation and growth of hair, in reducing fat, and in maintaining the vitality and tone of the muscles.

On June 16, 1944, no claimant having appeared, judgment of condemnation was entered and it was ordered that the article and all advertising matter be destroyed.