affidavits complained of was a palpable infringement of this constitutional right.

"The judgment is REVERSED."

A petition for rehearing was filed, and following its denial on July 6, 1946, the case was returned to the district court. On February 25, 1947, the defendant entered a plea of nolo contendere, on which date the court imposed a fine of $2,000 and costs, which included charges against both the drug and cosmetic.

2122. Misbranding of Miracle Milk Bath, Miracle Bath, Miracle Cream, and Miracle-Aid Lotion. U. S. v. 54 Bags, etc. (and 1 other seizure action). (F. D. C. Nos. 19700, 21194. Sample Nos. 51572–H, 56441–H to 56444–H, incl.)

LIBELS FILED: On or about April 26 and October 16, 1946, Western District of Missouri and District of Minnesota.

ALLEGED SHIPMENT: Between the approximate dates of March 5 and 15, and on or about September 17, 1946, by the Marval Laboratories, Inc., from Chicago, Ill.

PRODUCT: 54 6-pound bags of *Miracle Milk Bath*, 11 6-pound bags of *Miracle Bath*, 15 1-pound jars of *Miracle Cream*, and 62 6-fluid-ounce bottles of *Miracle-Aid Lotion* at Kansas City, Mo., and 22 1-pound jars of *Miracle Cream* at Minneapolis, Minn. Examination showed that the *Miracle Milk Bath* consisted essentially of epsom salt and skim milk powder; that the *Miracle Bath* consisted essentially of epsom salt, sulfur, and soap; that the *Miracle Cream* consisted essentially of epsom salt, sodium sulfate, water, fatty acids, and methyl salicylate; and that the *Miracle-Aid Lotion* consisted essentially of water, with small proportions of soapy material, gum, and perfume.

NATURE OF CHARGE: Misbranding, Section 502 (a), (*Miracle Milk Bath* and *Miracle Cream*) the label statement "An Aid for Reducing" was false and misleading since the articles would not be effective to bring about a reduction in weight; (*Miracle Bath*) the label statements "A Reducing Aid for Home Use * * * Aid for Rheumatism and Arthritis" were false and misleading since the article would not be effective in reducing and in the treatment of rheumatism and arthritis; and (*Miracle-Aid Lotion*) the label statements "For Superficial Wrinkles * * * Applied by Patting with Fingertips, on Wrinkles" were false and misleading since the article would not be effective in the removal of wrinkles.

DISPOSITION: August 15, 1946, and March 6, 1947. No claimant having appeared, judgments were entered ordering that the products be destroyed.

2123. Misbranding of Miracle Bath, Miracle Cream, and Miracle-Aid Lotion. U. S. v. 34 Packages, etc. (F. D. C. No. 22304. Sample Nos. 68051–H to 68054–H, incl., 68072–H to 68074–H, incl.)

LIBEL FILED: March 3, 1947, District of Nebraska.

ALLEGED SHIPMENT: On or about February 14, 1947, by Valmar Distributors, Inc., Chicago, Ill., from Milwaukee, Wis.

PRODUCT: 34 6-pound packages of *Miracle Bath*, 28 1-pound jars of *Miracle Cream*, and 8 6-fluid-ounce bottles of *Miracle-Aid Lotion* at Omaha, Nebr. Analyses showed that the *Miracle Bath* consisted essentially of epsom salt, sulfur, and soap; that the *Miracle Cream* consisted essentially of epsom salt, sodium sulfate, water, fatty acids, and methyl salicylate; and that the *Miracle-Aid Lotion* consisted essentially of water, with small portions of soapy material, gum, and perfume.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain label statements on the articles were false and misleading. The statement "A Reducing Aid * * * for Rheumatism and Arthritis," appearing on the label of the *Miracle Bath*, represented and suggested that the article would be effective in reducing and in the treatment of rheumatism and arthritis; the statement "An Aid for Reducing," appearing on the label of the "*Miracle Cream*," represented and suggested that the article would be effective to bring about a reduction in weight; and the statement "For Superficial Wrinkles * * * Apply by patting with finger tips, on wrinkles," appearing on the label of the *Miracle-Aid Lotion*," represented and suggested that the article would be effective in the removal of wrinkles. The articles would not be effective for such purposes.

DISPOSITION: April 11, 1947. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.