Misbranding was alleged in that the containers were so made, formed, or filled as to be misleading. Further misbranding of Walter's Tooth Paste was alleged in that the statement "For the Gums," appearing in the labeling, was false and misleading since it represented that the article was efficacious for the purpose recommended; whereas it was not.

On December 18, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

24. Misbranding of tooth paste and dental cream. U. S. v. 3 Gross Packages of Tooth Paste, and 3 Gross Packages of Dental Cream. Default decrees of condemnation. Products delivered to charitable organization. (F. D. C. Nos. 546, 547. Sample Nos. 67651-D, 67652-D.)

The tubes containing these products occupied less than one-third of the capacity of the cartons. The labeling of the dental cream bore the false and misleading claim that it would make the gums healthy and firm.

On September 6, 1939, the United States attorney for the Southern District of New York filed libels against 6 gross packages of dentifrices at New York, N. Y.; alleging that the articles had been shipped in interstate commerce on or about July 11 and August 11, 1939, by Trade Laboratories, Inc., from Newark, N. J.; and charging that they were misbranded. The articles were labeled: "Cabot's Tooth Paste with Milk of Magnesia * * * Redd Chemical Co., Distributors, Newark, New Jersey"; and "Lee's Milk of Magnesia Dental Cream * * * The Trade Laboratories, Inc., Distributors, Newark, N. J."

Misbranding was alleged with respect to both products in that the containers were so made, formed, and filled as to be misleading. Lee's Dental Cream was alleged to be misbranded further in that the representation on the tube that it would make the gums healthy and firm was false and misleading since it was not efficacious for the purposes recommended. It was also alleged to be misbranded under the provisions of the law applicable to drugs reported in D. D. N. J. No. 73.

On September 25, 1939, no claimant having appeared, judgments of condemnation were entered and the products were ordered delivered to a charitable organization.

25. Misbranding of dental cream and shaving cream. U. S. v. 95 Dozen Packages of Dental Cream and 59 Dozen Packages of Shaving Cream. Default decrees of condemnation and destruction. (F. D. C. Nos. 770, 771. Sample Nos. 47500-D, 78501-D.)

The containers of these products were deceptive, examination having shown that the tubes occupied slightly more than one-fourth of the capacity of the cartons.

On October 18, 1939, the United States attorney for the District of Maryland filed libels against 95 dozen packages of dental cream and 59 dozen packages of shaving cream at Baltimore, Md.; alleging that the articles had been shipped in interstate commerce on or about September 8 and 22, 1939, by the National Gibson Co., Inc., from New York, N. Y.; and charging misbranding in that the containers were so made, formed, or filled as to be misleading.

The articles were labeled in part: "Gibson Milk of Magnesia Dental Cream [or "Gibson Howell Shaving Cream"] Gibson-Howell Co. Jersey City, N. J."

On November 8, 1939, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

DEODORANTS

26. Misbranding of Hush Cream Deodorant and Hush-Sno. U. S. v. 14½ Dozen Boxes of Hush and 11½ Boxes of Hush-Sno. Default decrees of condemnation and destruction. (F. D. C. Nos. 340, 343. Sample Nos. 45577-D, 45578-D.)

The containers of these products were so made, formed, and filled as to be misleading since they appeared to hold at least three times as much as they did because of the recess in the bottoms, of the double bottoms, and the fact that the covers did not fit flush over the bottom compartments.

On August 1, 1939, the United States attorney for the Northern District of Georgia filed libels against 14½ dozen boxes of Hush and 11½ boxes of Hush-Sno at Atlanta, Ga.; alleging that the articles had been shipped in interstate commerce on or about July 3 and 5, 1939, by the Hush Sales Co. from Philadelphia, Pa.; and charging that they were misbranded.

On August 28, 1939, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.