90. Misbranding of S-T-D "The" Hair Tonic. U. S. v. 4 Bottles, 21 Bottles, and 1 Bottle of S-T-D "The" Hair Tonic. Default decree of condemnation and destruction. (F. D. C. No. 7339. Sample No. 90314-E.)

The labeling of this prodct bore false and misleading claims regarding its efficacy in the treatment of dandruff, falling hair, itching scalp, and all scalp ailments and falsely represented that it was a tonic.

On April 14, 1942, the United States attorney for the District of Massachusetts filed a libel against the above-named product at Springfield, Mass., alleging that it had been shipped in interstate commerce on or about December 17, 1941, by George A. Dustin from Chicago, Ill.; and charging that it was misbranded.

Analysis showed that it consisted essentially of small proportions of potassium arsenite, sodium borate, and water. The potassium arsenite contained arsenic equal to 0.2 gram per 100 cc.

The article was alleged to be misbranded in that the following statements on the bottle labels were false and misleading: (Front) "Stops the Dandruff 'The' Hair Tonic for Dandruff Falling Hair Itching Scalp and all Scalp Ailments"; (back) "Wet Scalp with Ess-Tee-Dee Hair Tonic and massage every day until scalp is free from dandruff. * * * For best results, shampoo the hair once each week, then apply Ess-Tee-Dee Hair Tonic after hair has dried and continue applications every third or fourth day until scalp is free from dandruff and then use Tonic only as often as it is necessary to keep the scalp in a clean and healthy condition. * * * 'The' Hair Tonic."

The libel alleged that the article was also misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices.

On June 15, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

COSMETICS IN DECEPTIVE CONTAINERS

91. Misbranding of Caroid Dental Powder. U. S. v. 4 Dozen Ounce Packages and 9 Dozen 2-Ounce Packages of Caroid Dental Powder. Default decree of condemnation and destruction. (F. D. C. No. 5329. Sample No. 48057-E.)

The contents of the 2-ounce cans of this product occupied on an average about 61 percent of the capacity of the can, and the contents of the 1-ounce cans occupied on an average about 57 percent of the capacity of the can.

On August 9, 1941, the United States attorney for the Northern District of Georgia filed a libel against the above-named product at Atlanta, Ga., alleging that it had been shipped on or about June 4 and July 5, 1941, by the American Ferment Co., Inc., from Buffalo, N. Y.; and charging that it was misbranded in that its container was so made, formed, or filled as to be misleading.

On September 10, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

92. Misbranding of Ipana Tooth Paste. U. S. v. 570 Gross Packages of Ipana Tooth Paste. Consent decree of condemnation with provision for release under bond for repackaging. Amended decree ordering product delivered to a Federal institution. (F. D. C. No. 688. Sample No. 82422-E.)

The tubes containing this product occupied approximately only 23 percent of the capacity of the carton.

On October 28, 1939, the United States attorney for the Northern District of Georgia filed a libel against 570 gross packages of Ipana Tooth Paste at Fulton, Ga., alleging that the article had been shipped in interstate commerce on or about September 18, 1939, by the Bristol-Myers Co. from Hillside, N. J.; and charging that it was misbranded in that its containers were so made, formed, and filled as to be misleading.

On October 26, 1939, Bristol-Myers Co., claimant, filed an answer denying the allegation in the libel that the containers were misleading.

On January 8, 1941, upon application of the claimant, the cause was ordered removed for further proceedings and trial in the District Court for the District of New Jersey, and the clerk was ordered to transmit to such court all records necessary for it to exercise jurisdiction.

On January 21, 1942, the claimant having filed an amended answer admitting, for the sole purpose of the proceeding, the allegations of the libel and consenting to the entry of a decree, judgment of condemnation was entered, the decree containing a provision, however, that the product might be released to the claimant upon the execution of a bond conditioned that it be repackaged in