The article was alleged to be misbranded in that its labeling bore representations that it would be efficacious to promote, retain, and insure health; that it would greatly aid Nature in her work in keeping one well, and would restore health, thus bringing lasting happiness; that it would be efficacious to rebuild children, increase their resistance and enable them to gain weight, would relieve children of overtension, and cause them to sleep more restfully; that it would be efficacious to tone up the system, stimulate or restore the appetite, and enable one to gain additional energy; that it would prevent tired nerves, disordered stomach, sluggish bowels, loss of appetite; and that it would be efficacious to keep the nerves fit and increase the vitality of working girls, which were false and misleading, since it would not be efficacious for such purposes.

It was alleged to be misbranded further in that the following statements in the labeling, "El Modelo Medicine Co. has complied with the new Federal Food, Drug, and Cosmetic Act. * * * The laws regulating the manufacture and sale of Drugs and Medicines for your protection, the new Federal Food, Drug, and Cosmetic Act, have been fully complied with, by 'El Modelo Medicine Co.'," were false and misleading since it was not marketed in compliance with the Federal Food, Drug, and Cosmetic Act. It was alleged to be misbranded further in that its container (carton) was so made, formed, or filled as to be misleading.

On April 4, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

505. Misbranding of Torso Herb Vitamin. U. S. v. 2 Bottles of Torso Herb Vitamin. Default decree of condemnation and destruction. (F. D. C. No. 895. Sample No. 75468–D.)

On November 9, 1939, the United States attorney for the Northern District of Ohio filed a libel against 2 bottles of Torso Herb Vitamin at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce on or about October 11, 1939, by John Walters from Baltimore, Md.; and charging that it was misbranded.

Analysis showed that it consisted essentially of a fatty oil, an organic sulfur compound, turpentine oil, cade oil, methyl salicylate, and extracts of plant drugs including aloe, ginger, alcohol, and water.

The article was alleged to be misbranded in that the statement on the label, "used for: Nephritis, diabetes, dropsy, * * * high blood pressure, kidney and bladder, helps stomach," was false and misleading since it would not be efficacious for such purposes.

On January 23, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

506. Misbranding of Kephart's for Hair and Scalp. U. S. v. 140 Bottles, 37 Bottles, and 5 Bottles of Kephart's for Hair and Scalp. Default decree of condemnation and destruction. (F. D. C. No. 3102. Sample No. 6543–E.)

On October 1, 1940, the United States attorney for the District of Colorado filed a libel against 140 3-fluid-ounce bottles, 37 8-fluid-ounce bottles, and 5 32-fluid-ounce bottles of Kephart's for Hair and Scalp at Denver, Colo., alleging that the articles, which had been consigned by Kephart's (H. & E. Foor Co.), had been shipped on or about September 7, 1940, from Los Angeles, Calif.; and charging that it was misbranded.

Analysis of a sample of the article showed that it contained a small proportion of methyl salicylate dissolved in a mixture of mineral oil and saponifiable oils.

The article was alleged to be misbranded in that the following statements and designs in the labeling, "[Series of pictures showing children with various amounts of hair on their heads] Before * * * After Six Weeks * * * After Ninety Days * * * 'This case used only Kephart's (after trying various other treatments with no improvement). The picture tells the whole story.—Berkeley, California.' * * * Before * * * After 90 days * * * After 12 months * * * 'After consulting physicians who were unable to advise any beneficial treatment, our daughter's pictures show the amazing improvement since using Kephart's.—Livingston, Montana,'" were false and misleading since it was not effective in promoting the growth of hair.

On December 5, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.