

also contained representations that it was efficacious in the treatment of simple obesity or ordinary overnutrition where the excessive weight was due to overeating or overdrinking, or both; and that in indicated cases, it should be of benefit providing reasonable diet habits were observed, which representations were false and misleading since it would not constitute an adequate, appropriate, or safe treatment for simple obesity or ordinary overnutrition where the excessive weight was due to overeating or overdrinking, or both.

On July 16, 1940, the United States attorney for the Northern District of Illinois filed a libel against 141 packages of Arbolone Tablets at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about May 6, 1940, by the Arbolone Co. from Dayton, Ohio; and charging that it was misbranded.

On October 22, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

277. Misbranding of Dr. T. F. Ealy's Baby Powders. U. S. v. 64 Packages of Dr. T. F. Ealy's Baby Powders. Default decree of condemnation and destruction. (F. D. C. No. 2145. Sample No. 3147-E.)

This product contained calomel, plant material, calcium carbonate, and a small proportion of saccharin. It would be dangerous to health when used in the dosage or with the frequency or duration prescribed, recommended, or suggested in the labeling which recommended it as a mild laxative for children and which contained directions that for a 1-year-old child, 1 powder should be given at a time, 12 hours apart, until the bowels move freely, that for a month-old child one-twelfth of a powder should be given, and that for a 2-months-old child one-sixth of a powder, etc.; and that for children over a year old, the powders should be given more frequently, but the dose should not be made larger.

On June 3, 1940, the United States attorney for the Western District of Pennsylvania filed a libel against 64 packages of baby powders at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about April 9, 1940, by L. O. Ealy from Steubenville, Ohio; and charging that it was misbranded for the reasons appearing above.

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

278. Misbranding of Eczematone. U. S. v. 72, 33, and 10 Packages of Eczematone. Default decree of condemnation and destruction. (F. D. C. No. 2180. Sample No. 16232-E.)

This product would be dangerous to health when used as directed in the labeling, which bore false and misleading representations regarding its efficacy in the conditions indicated below.

On June 7, 1940, the United States attorney for the Western District of Missouri filed a libel against 115 various-sized packages of Eczematone at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about April 11, 1940, by the Barlow Chemical Association from Oklahoma City, Okla.; and charging that it was misbranded.

Analysis showed that the article consisted essentially of alcohol (85 percent), mercuric chloride (0.37 percent), and water.

The article was alleged to be misbranded in that representations in the labeling that it would aid nature and promote healing; that it was an invigorating, stimulating treatment; and that it was efficacious in the treatment of minor irritating skin and scalp disorders, sprains, minor aches and pains that could be reached by external application, and of burning, itching and loose, scaly, dandruff were false and misleading since it was not efficacious for the purposes recommended.

It was alleged to be misbranded further in that it was dangerous to health when used in the dosage or with the frequency or duration prescribed, recommended, or suggested in the labeling, namely: "Directions apply freely to parts affected two or three times a day * * * Directions apply freely to roots of the hair, massage in well every other day for a week. Shampoo the hair thoroughly, and when dry apply another application of Eczematone immediately. Repeat the following week if necessary. After that, apply freely once a week for continued results."

On September 16, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.