A portion of the article was alleged to be misbranded in that the statement, "This coloring known as Louise Norris Lash and Brow Coloring is now labeled in this manner to meet all requirements of law governing interstate commerce. * * * Guarantee We guarantee this package to conform with all local, State and Federal regulations of the Food, Drug, and Cosmetic Act," appearing on the carton, were false and misleading since the article did not meet the requirements of all laws governing interstate commerce and it did not meet the requirements of the Federal Food, Drug, and Cosmetic Act.

On February 19, 1942, the defendant entered a plea of nolo contendere and the court imposed a fine of $50 on each of the 13 counts with a jail sentence of 12 months on each count to run concurrently. The jail sentence was suspended, however, and the defendant was placed on probation for 3 years.

78. Adulteration and misbranding of Mary Luckie Original Hair Tints. U. S. v. 25 Packages, 29 Packages, and 30 Packages of Mary Luckie Original Hair Tints. Default decrees of condemnation and destruction. (F. D. C. Nos. 5032, 5033. Sample Nos. 57521–E to 57524–E, incl.)

This product contained paraphenylenediamine, a poisonous or deleterious ingredient which might have rendered it injurious to users under such conditions of use as are customary or usual. It was also falsely represented to be a hair tint.

On or about July 8, 1941, the United States attorney for the Eastern District of Arkansas filed libels against 55 packages of Mary Luckie Original Hair Tint (Jet Black) and 29 packages of Mary Luckie Original Hair Tint (Black), at Little Rock, Ark., alleging that the article had been shipped in interstate commerce on or about May 12 and 31, 1941 by the Marlu Co. from Kansas City, Mo.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that it bore or contained a poisonous or deleterious substance which might have rendered it injurious to users under such conditions of use as are customary or usual. It was alleged to be misbranded in that the designation "hair tint" was false and misleading since it was not a hair tint but was an eyelash and eyebrow dye.

On October 2, 1941, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

79. Adulteration of Kix Kinks Hair Straiter. U. S. v. 3 Packages and 5 Packages of Kix Kinks Hair Straiter. Default decrees of condemnation and destruction. (F. D. C. Nos. 7903, 7904. Sample Nos. 77883–E, 77884–E.)

This product contained sodium hydroxide.

On July 14, 1942, the United States attorney for the District of New Jersey filed libels against 8 packages of Kix Kinks Hair Straiter at Newark, N. J., alleging that the article had been shipped on or about June 19 and November 13, 1941, and April 26, 1942, by Dorosy, Inc., from New York, N. Y.; and charging that it was adulterated in that it contained a poisonous or deleterious substance, namely, sodium hydroxide which might have rendered it injurious to users under the conditions of use prescribed in the labeling or under such conditions of use as are customary or usual.

On September 10, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

80. Adulteration and misbranding of Tartaroff. U. S. v. 11 Display Cards of Tartaroff. Default decree of condemnation and destruction. (F. D. C. No. 4810. Sample No. 29701–E.)

This product contained citric acid, which might have rendered it injurious to users and it also contained an uncertified coal-tar color.

On May 21, 1941, the United States attorney for the Southern District of Indiana filed a libel against 11 display cards, each containing 13 bottles of Tartaroff, at Indianapolis, Ind., alleging that the article had been shipped in interstate commerce on or about March 22, 1941, by the Tartaroff Co. from Chicago, Ill.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that it contained a poisonous or deleterious substance, namely, citric acid, which might have rendered it injurious to users under the conditions of use prescribed in the labeling thereof or under such conditions of use as are customary or usual. It was alleged to be adulterated further in that it bore or contained a coal-tar color other than one from a batch which had been certified in accordance with regulations prescribed by law.