

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

1-30

COSMETICS¹

The cases reported herewith were instituted in the United States District courts by the United States attorneys, acting upon reports submitted by direction of the Secretary of Agriculture.

CLAUDE R. WICKARD, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., March 4, 1940.

CONTENTS

	Page		Page
Cosmetics, adulterated or adulterated and misbranded.....	1	Cosmetics, misbranded (on account of deceptive containers).....	12
Eyelash and eyebrow dyes.....	1	Tooth pastes and shaving cream.....	13
Hair dyes.....	7	Deodorants.....	13
Lipsticks.....	9	Face and talcum powders.....	14
Creams and lotions.....	10	Index.....	16

COSMETICS, ADULTERATED OR ADULTERATED AND MISBRANDED

EYELASH AND EYEBROW DYES

1. **Adulteration of Lash Lure. U. S. v. 23 Boxes of Lash Lure (and 33 other seizure actions against the same product). Default decrees of condemnation and destruction.** (F. D. C. Nos. 1, 2, 3, 4, 6, 13, 15, 22, 23, 25, 30, 31, 32, 33, 34, 36, 39, 41, 42, 45, 48, 49, 50, 52, 55, 61, 64, 68, 76, 77, 149, 159, 179, 180. Sample Nos. 696-D, 697-D, 1800-D, 9210-D, 9211-D, 9215-D, 15300-D, 15943-D, 15944-D, 15954-D, 15991-D, 19621-D, 21532-D, 22241-D, 23672-D, 23801-D, 23802-D, 23803-D, 23806-D, 23810-D, 23812-D, 23815-D, 23869-D, 24007-D, 24008-D, 27561-D, 80540-D, 30584-D, 31001-D, 37926-D, 37927-D, 41584-D, 42660-D, 42661-D.)

This product contained a poisonous or deleterious substance—paraphenylenediamine, which might have rendered it injurious to users under the conditions of use prescribed in its labeling as quoted and indicated hereinafter or under such conditions of use as are customary or usual.

Between the dates of July 15, 1938, and March 3, 1939, the United States attorneys for the Eastern District of Wisconsin, Southern District of Texas, Eastern District of Michigan, District of Minnesota, Western District of Texas, Northern District of Texas, Western District of Oklahoma, District of Kansas,

¹ Notices of judgment under the Federal Food, Drug, and Cosmetic Act are published in three series: Foods (F. N. J.); Drugs and Devices (D. D. N. J.); and Cosmetics (C. N. J.).

Eastern District of Texas, Middle District of North Carolina, Northern District of Georgia, Northern District of Ohio, Northern District of Alabama, Western District of Louisiana, District of Colorado, Eastern District of Oklahoma, District of Utah, and the Western District of New York filed libels against 762 boxes and 276 envelopes of Lash Lure in various lots at Milwaukee, Wis.; Houston, Tex.; Detroit, Mich.; Minneapolis, Minn.; Waco, Tex.; Dallas, Tex.; Oklahoma City, Okla.; Pittsburg, Kans.; Kilgore, Tex.; Brownwood, Tex.; Beaumont, Tex.; Winston-Salem, N. C.; Atlanta, Ga.; San Angelo, Tex.; Toledo, Ohio; Cleveland, Ohio; Wichita Falls, Tex.; Birmingham, Ala.; Shreveport, La.; Pueblo, Colo.; Lubbock, Tex.; Chickasha, Okla.; Salt Lake City, Utah; and Buffalo, N. Y.; alleging that the article had been shipped in interstate commerce within the period from on or about June 28, 1938 to on or about January 19, 1939, either under the name Lash Lure Cosmetic Manufacturing Co., Cosmetic Manufacturing Co., or Lash Lure; and charging that it was adulterated for the reasons appearing hereinbefore.

The article was labeled in part as follows: (Envelopes and boxes) "Lash Lure the new and improved Eye Brow and Lash Dye * * * Cosmetic Mfg. Co. * * * Los Angeles, Calif."

A circular enclosed with all lots, with one exception, contained the following directions for use: "Empty the entire contents of Lash Lure into a small sterilized glass dish. Add about 15 drops of ["fresh" in some circulars] 17 Volume peroxide to the powder and mix well into a medium paste. Apply any facial cream to one side of eye-shield (inclosed in package) and place under each eye to prevent staining of the skin. Have patron's eyes open while applying shields. Apply paste to lashes or brows with small round stick (have eyes closed). Leave on about 2 minutes for brown shade, and from 5 to 6 minutes for black. Remove paste with cotton moistened with lukewarm water. Important: Be sure all the lashes are on top of the eyeshields before applying paste. Keep eyes closed until finished—do not shut too tight. Do not have swab too wet when removing the paste and don't rub ["too" in some circulars] hard. Be sure all dye is removed. Wash swab out several times in lukewarm water while removing the paste. Never apply Lash-Lure to granulated eyelids or any other inflamed conditions. Lash-Lure is applied only by licensed operators. If an eye dropper is used, be sure it has not been used for ammonia or other chemicals. Do not use argyrol or other medication in the eye before or after Lash-Lure. Do not use any stain remover or soap ["or soap" omitted from some circulars] near the eye. A skin reaction test should be made before Lash-Lure is applied to determine any susceptibility to dyes. For the Protection of Beauty Operators have your patrons sign the enclosed waiver. Our records show that only one person in several thousand is susceptible to dye, but warning should be given."

The remaining lot was accompanied by a circular which contained similar directions for use.

Between the dates of August 22, 1938, and March 27, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

2. Adulteration of Lash Lure. U. S. v. Charlotte Kolmitz (Cosmetic Manufacturing Co.). Plea of nolo contendere. Fine, \$100 on each of 23 counts. Fine remitted with exception of \$250. (F. D. C. No. 89. Sample Nos. 695-D, 696-D, 697-D, 1800-D, 9210-D, 9211-D, 15300-D, 15540-D, 15823-D, 15943-D, 15944-D, 15954-D, 19621-D, 21532-D, 22241-D, 23672-D, 23801-D, 23802-D, 23803-D, 23806-D, 23869-D, 24007-D, 24008-D.)

This product contained a poisonous or deleterious substance—paraphenylenediamine, which under the conditions of use prescribed in its labeling might have rendered it injurious to users. All lots bore the labeling quoted in No. 1 of this publication.

On January 9, 1939, the United States attorney for the Southern District of California, filed an information against Charlotte Kolmitz, trading as the Cosmetic Manufacturing Co., at Los Angeles, Calif., alleging that the said defendant had introduced and delivered for introduction into interstate commerce, within the period from on or about June 27 to on or about July 22, 1938, from the State of California into the States of South Carolina, North Carolina, Georgia, Texas, Kansas, Missouri, Oklahoma, Michigan, Wisconsin, and Ohio quantities of Lash Lure, which was an adulterated cosmetic.