

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.

On March 13, 1939, the defendant having entered a plea of nolo contendere, the court imposed a fine of \$100 on each of the 23 counts and ordered that judgment be satisfied upon payment of \$250.

3. Adulteration of Magic-Di-Stik. U. S. v. 68 Cartons of Magic-Di-Stik Lash and Brow Dye (and 18 other seizure actions against the same product). Default decrees of condemnation and destruction. (F. D. C. Nos. 5, 7, 8, 9, 10, 11, 12, 16, 17, 18, 19, 20, 21, 26, 27, 29, 35, 37, 38. Sample Nos. 694-D, 9207-D, 9208-D, 9209-D, 9468-D, 21533-D, 23804-D, 23805-D, 24006-D, 24021-D, 24544-D, 24545-D, 24773-D, 28519-D, 33834-D, 36401-D, 37617-D, 37754-D, 37801-D.)

This product contained paraphenylenediamine, which might have rendered it injurious to users under the conditions of use prescribed in the labeling quoted hereinafter or under such conditions of use as are customary or usual.

Between July 22 and August 5, 1938, the United States attorneys for the Southern District of Texas, Western District of Tennessee, Eastern District of Louisiana, District of Columbia, Western District of Washington, Eastern District of Michigan, Northern District of Ohio, Southern District of Indiana, Northern District of Alabama, Eastern District of Missouri, Western District of Arkansas, Southern District of Mississippi, Northern District of Texas, District of Kansas, Eastern District of Texas, Western District of New York, and Western District of South Carolina filed libels against a total of 942 packages of Magic-Di-Stik Lash and Brow Dye, in various lots, at Houston, Tex.; Memphis, Tenn.; New Orleans, La.; Washington, D. C.; Olympia, Wash.; Detroit, Mich.; Akron, Ohio; Indianapolis, Ind.; Birmingham, Ala.; St. Louis, Mo.; Fort Smith, Ark.; Meridian, Miss.; San Angelo, Tex.; Pittsburg, Kans.; Beaumont, Tex.; Dallas, Tex.; Buffalo, N. Y.; and Greenville, S. C.; alleging that the article, with the exception of one lot, had been shipped in interstate commerce within the period from on or about June 27 to on or about July 18, 1938, from Los Angeles, Calif., by Magic-Di-Stik (or Magic-Di-Stik Co.); that one lot had been shipped on or about June 22, 1938, by Magic-Di-Stik from Los Angeles, Calif., into the District of Columbia and was in possession of the National Beauty & Barber Supply at Washington, D. C., intended for sale in the District of Columbia; and charging that the article was adulterated.

The article was labeled in part: (Envelope) "Magic-Di-Stik Lash and Brow Dye Caution This product must be applied by licensed beauty operators only, as per directions inclosed in each box. It must not be sold to or used by the public for home application"; (circular) "Follow Directions and Cautions Carefully to Insure Perfect Results Directions * * * 2. Apply a facial cream to one side of eye shield and place under each eye to prevent staining of skin. Have patrons' eyes open while applying shields, then close them. 3. Place about 15 drops of fresh 17 volume peroxide in a sterilized glass dish. 4. Dip the Magic-Di-Stik in the peroxide and apply to the lashes and brows (wet the Magic-Di-Stik several times while applying if necessary.) Be sure the hair is well covered with the dye. 5. Leave on about 7 or 8 minutes for black and 3 or 4 minutes for brown shade. 6. Wash well with clean cotton and luke warm water (hold a piece of cotton below the brows to prevent running into eyes while washing.) Cautions * * * 2. Keep eyes closed until finished. 3. Never pluck brows before or after applying the dye. Do not apply to granulated eyelids or any other inflamed conditions. 5. Do not use any medication in the eyes before or after. 6. To be applied only by licensed beauty operators. 7. Rare cases of idiosyncrasy may exist that are determined by a skin reaction test. 8. Do not use any stain remover near the eyes. 9. Avoid excessive rubbing of the skin or the use of any chemicals, soaps, or stain removers near the eyes. 10. Obtain the signature of each patron on the waiver slips before applying Magic-Di-Stik. Directions for Skin Reaction Test This product contains a reduced form of an aniline derivative and may cause skin irritation on certain individuals. Make the following skin reaction test before applying Magic-Di-Stik: Dip the Magic-Di-Stik in 17 volume peroxide and apply to the skin behind the ear. After eight minutes, wash with cotton soaked in warm water. If, within 24 hours a rash appears where the dye was applied, do not apply Magic-Di-Stik. * * * Manufactured by Dependable Concentrated Cosmetics Inc."

Between the dates of August 18 and December 22, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.