

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.