

On or about August 19 and 22 and September 1, 1938, the United States attorneys for the Eastern and Northern Districts of Texas and the Southern District of Florida filed libels against 26 cartons of Hollywood Lash and Brow Dye at Bonham, Tex., 18 cartons of the product at Amarillo, Tex., and 15 cartons at Jacksonville, Fla.; alleging that the article had been shipped in interstate commerce within the period from on or about July 8 to on or about July 23, 1938, by the Hollywood Lash Dye Co. from Hollywood and Los Angeles, Calif.; and charging that it was adulterated.

A leaflet contained in the packages bore the following statements: "Directions 1. Wash brows and lashes with cotton and water—remove any mascara. 2. Place dye powder into sterilized glass dish, add about 15 drops of 17 Volume Fresh peroxide, mix thoroughly into a medium paste. 3. Have patron in semi-upright position. 4. Apply any facial cream to one side of eye-shield (inclosed herewith), place under each eye while patron's eyes are open (this prevents staining of skin.) 5. (Have Eyes Closed) apply paste to lashes or brows with small round orange stick—(2 minutes for brown shade)—(4 to 5 minutes if black is desired.) 6. Remove paste with cotton Moistened In Lukewarm Water. Be sure all dye is removed. Cautions 1. Keep in dry place. 2. Be Sure all lashes are on top of eye-shields before applying paste. 3. Keep eyes closed until finished (Not Too Tight.) 4. When removing paste rub gently—do not have swab too wet (washing swab several times in lukewarm water.) 5. Do Not Pluck Brows Before Or After Applying Dye and never to granulated eye lids or inflamed conditions. 6. Hollywood Lash Dye is applied only by licensed operators. 7. Rare cases of idiosyncrasy may exist. A skin re-action test should be made to determine these cases. 8. Do not use argyrol or other medication in the eyes before or after Lash Dye. 9. Do not use any stain remover near eyes—or any eye dropper that has been used for ammonia or other chemicals."

On September 28, October 10, and December 12, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

8. Adulteration of Hollywood Lash and Brow Dye. U. S. v. Burton Lowell (Hollywood Lash Dye Co.). Plea of nolo contendere. Imposition of sentence suspended and defendant placed on probation for 2 years. (F. D. C. No. 91. Sample Nos. 10151-D, 23813-D, 27546-D.)

This product contained paraphenylenediamine, a poisonous or deleterious substance which might have rendered it injurious to users under the conditions of use prescribed in the labeling. For labeling see No. 7 of this publication.

On January 9, 1939, the United States attorney for the Southern District of California filed an information against Burton Lowell, trading as the Hollywood Lash Dye Co., Hollywood, Calif., alleging shipment by said defendant within the period from on or about July 8 to July 25, 1938, from the State of California into the States of Florida and Texas of quantities of Hollywood Lash and Brow Dye, which was an adulterated cosmetic.

On September 11, 1939, the defendant entered a plea of nolo contendere. On September 18, 1939, the court announced that imposition of sentence would be suspended for 2 years on condition that the defendant did not manufacture the lash dye involved during that period.

9. Adulteration of Mary Luckie Improved Lash and Brow Dye. U. S. v. 24 Packages of Mary Luckie Improved Lash and Brow Dye (and 8 other seizure actions against the same product). Default decrees of condemnation and destruction. (F. D. C. Nos. 78 to 86, incl., 88. Sample Nos. 9216-D, 9217-D, 23820-D, 23829-D, 23830-D, 23831-D, 23832-D, 23833-D, 27599-D, 30627-D.)

This product contained paraphenylenediamine and hydrogen peroxide, and was an adulterated cosmetic as explained hereinafter.

Between October 21 and October 29, 1938, the United States attorneys for the Northern, Eastern, and the Southern Districts of Texas filed libels against 122 packages of Mary Luckie Improved Lash and Brow Dye in various lots at Dallas, Fort Worth, Lubbock, Tyler, Kilgore, Amarillo, and Houston, Tex.; alleging that the article had been shipped in interstate commerce within the period from on or about July 5 to on or about August 23, 1938, by Mary Luckie, Inc.; and charging that it was adulterated.

The article was labeled in part: (Circular) "Directions in the Use of Mary Luckie Lash And Brow Dye To Be Applied by Registered Licensed Beauty Operator Only Use glass, china or wooden dish to mix, as follows: Mix one spoonful of No. 3, No. 4, No. 5 (spoon enclosed in unit). This is the Dye

Mixture. Next prepare patron. Drop two drops of contents of bottle No. 1 into eyes. This is a medically approved Eye Wash. Use cotton to remove all Eye Wash from around eyes. Next make a swab of cotton on a small orange stick, dip in bottle No. 2 and cover brow, lashes and skin around eye. Apply freely in and through the brows, as this oil will prevent the dye staining the skin, at the same time will permit the lashes and brows to dye. Next place the paper plaques (enclosed in unit) underneath lower lash—then ask patron to close eyes and relax. Next, with clean orange stick apply the mixture from the dish to lashes first, then the brows. Leave 5 to 10 minutes after the dye is on brows. It is not necessary to leave on longer. Have cotton wet with cold water, gently remove brow application first, then working downward on lashes, remove all of the dye mixture on the paper plaque, then remove plaque. Patron's eyes must be closed until you have removed all the mixture from upper and lower lashes. Last, drop more Eye Wash from bottle No. 1 with eye-dropper enclosed in unit. This will cleanse eye. Keep dropping in Eye Wash until eye feels clean and clear. Use no soap. * * * You are at liberty to make the paste thicker using more of the powder from No. 3"; (circular accompanying most shipments) "Warning Mary Luckie Lash and Brow Dye is to be applied only by a licensed beauty operator, who has been taught to give primary dye tests. Mary Luckie, Inc., requests that you use the following method: Follow the directions enclosed in each and every unit of Mary Luckie Lash and Brow Dye to mix No. 3, 4 and 5. Apply a generous amount of this mixture to the skin back of the ear lobe then seal with gauze and tape and leave for 24 hours. If patron is allergic the skin will show pink and no lash and brow dye should be given until this test repeated shows negative. This is not a test of Mary Luckie Lash and Brow Dye but a test of the patron as many people have an idiosyncrasy for any dye."

Adulteration of all lots, with the exception of two seized in the Eastern District of Texas, was alleged in that the article contained paraphenylenediamine and hydrogen peroxide, poisonous and deleterious substances which might have rendered the use of the said article injurious to users under the conditions of use prescribed in the labeling or under such conditions of use as are customary or usual. The libels filed in the Eastern District of Texas alleged adulteration in that the article contained a poisonous or deleterious substance, paraphenylenediamine, which might have rendered it injurious to users under the conditions of use prescribed in the labeling.

Between the dates of November 10, 1938, and May 19, 1939, the consignees of three of the lots seized at Dallas, Tex., having admitted the allegations of the libels and having consented to the entry of decrees and no appearance having been entered in the remaining cases, judgments of condemnation were entered and the product was ordered destroyed.

10. Adulteration of Ideal Lash and Brow Dye. U. S. v. George W. Eilert (Ideal Lash & Brow Co.). Plea of nolo contendere. Imposition of sentence suspended and defendant placed on probation for 1 year. (F. D. C. No. 92. Sample No. 36326-D.)

This product contained a poisonous or deleterious substance, namely, paraphenylenediamine, which might have rendered it injurious to users under the conditions of use prescribed in the labeling quoted below.

On March 6, 1939, the United States attorney for the Southern District of California filed an information against George W. Eilert, trading as the Ideal Lash & Brow Co., Los Angeles, Calif., alleging shipment by said defendant on or about July 21, 1938, from the State of California into the State of Nevada of a quantity of Ideal Lash and Brow Dye, which was an adulterated cosmetic.

The article was labeled in part: "Ideal Lash & Brow Co. Manufactured by the Originator and Inventor of Lash Lure. Directions for Ideal Lash and Brow Dye Apply cold cream around brows and lashes, keeping cream off hair line; then mix enough peroxide to contents to make a paste, and apply to brows and lashes; leave on five minutes for deep black, then remove with clear water."

On September 11, 1939, the defendant entered a plea of nolo contendere. On September 25, 1939, the court suspended imposition of sentence and placed the defendant on probation for 1 year upon condition that he did not again violate this act.