

**15. Adulteration and misbranding of Posner's Black Hair Coloring. U. S. v. 65 Cartons of Posner's Black Instantaneous Hair Coloring. Default decree of condemnation and destruction. (F. D. C. No. 170. Sample No. 59651-D.)**

Each carton of this product contained two bottles; one labeled "A" contained paraphenylenediamine and the other labeled "B" contained a solution of approximately 5 percent of hydrogen peroxide. It was a hair dye and was not labeled in the manner required by law.

On February 15, 1939, the United States attorney for the District of New Jersey filed a libel against 65 cartons of the above-named cosmetic at Newark, N. J.; alleging that the article had been shipped in interstate commerce on or about December 12, 1938, and January 3, 1939, by I. Posner from New York, N. Y.; and charging that it was adulterated and misbranded. It was labeled in part: (Carton) "Posner's Black Instantaneous Hair Coloring Leaves the hair soft and glossy Caution—This product contains an aniline derivative or an amine, which may cause skin irritation on certain individuals and a preliminary test according to accompanying directions should first be made I. Posner Perfumer New York"; (bottles "A" and "B") "Black Posner's Instantaneous Hair Coloring By one single application will color gray, faded or bleached hair to its original shade. Natural and durable colors. Directions inside. Sold by all Druggists. Hair Dealers and Department Stores. This dye cannot be washed off or bleached out"; (bottle "A" only) "Caution: This product contains an aniline derivative or an amine, which may cause skin irritation on certain individuals and a preliminary test according to accompanying directions should be made. This product must not be used for dyeing the eyelashes or eyebrows; to do so may cause blindness."

The article was alleged to be adulterated in that it contained a poisonous or deleterious substance—paraphenylenediamine, 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, and the label did not bear the "Caution" statement in the form prescribed by law, namely, "Caution—This product contains ingredients which may cause skin irritation on certain individuals and a preliminary test according to accompanying directions should first be made. This product must not be used for dyeing the eyelashes or eyebrows; to do so may cause blindness," either on the carton or bottle "A"; while bottle "B" bore no "Caution" statement at all.

Misbranding was alleged in that the "Caution" required by law was not prominently placed on the labeling with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

On March 18, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

#### LIPSTICKS

**16. Adulteration of Guerlain Lipsticks. U. S. v. 40,270 Lipsticks. Consent decree of condemnation. Product released under bond conditioned that it be removed from containers, placed in mass form, and reshipped to country of origin. (F. D. C. No. 233. Sample Nos. 60146-D, 60148-D, 60152-D, 60159-D, 60160-D, 60161-D.)**

This product was a cosmetic containing cadmium and selenium—poisonous or deleterious substances 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 June 16, 1939, the United States attorney for the Southern District of New York filed a libel against 40,270 lipsticks at New York, N. Y.; alleging that the article had been shipped from Europe to New York, N. Y., within the period from on or about September 29, 1936, to on or about January 13, 1939; and charging that it was adulterated. The article was labeled variously: (Cartons) "Rouge A Levres Clair Guerlain No. 144"; "Rouge A Levres Mandarin Guerlain No. 160"; "Rouge A Levres Medium Guerlain No. 145"; "Pomades Rouges Medium Guerlain \* \* \* Paris"; (some containers) "Guerlain Paris France."

On August 16, 1939, Guerlain, Inc., New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be removed from

the containers and placed in mass form for reshipment to Paris, France, and that the containers be salvaged.

#### CREAMS AND LOTIONS

**17. Adulteration and misbranding of Madam C. J. Walker's Tan-Off. U. S. v. 717 Tins of Madam C. J. Walker's Tan-Off. Default decree of condemnation and destruction. (F. D. C. No. 187. Sample No. 29485-D.)**

This product was recommended in its labeling for brightening sallow or dark skin, for the treatment of freckles and skin-blotch, and for clearing the complexion. It was directed in the labeling that it be applied with the tips of the fingers before retiring and allowed to remain on the skin overnight and that after washing in the morning it be applied and allowed to remain from 5 to 10 minutes. It contained ammoniated mercury, a poisonous or deleterious substance, which might have rendered it injurious to users under the conditions of use prescribed in its labeling or under such conditions of use as are customary or usual.

On March 3, 1939, the United States attorney for the Northern District of Ohio filed a libel against 717 tins of the above-named product at Cleveland, Ohio; alleging that the article had been shipped in interstate commerce on or about February 2, 1939, by the Madam C. J. Walker Manufacturing Co. from Indianapolis, Ind.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated under the provisions of the law applicable to cosmetics for the reasons stated above. It was also alleged to be misbranded under those applicable to drugs, as reported in D. D. N. J. No. 67.

On September 8, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**18. Adulteration and misbranding of Miller's Anti-Mole. U. S. v. 21 Packages of Miller's Anti-Mole. Default decree of condemnation and destruction. (F. D. C. No. 228. Sample No. 66601-D.)**

This product was recommended in the labeling for use on the face, neck, scalp, arms, or any part of the body for the removal of warts and moles. It contained nitric and acetic acid, poisonous or deleterious substances, 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. The labeling bore directions that it be applied with a hardwood toothpick, used very sparingly so that all the liquid applied would be absorbed; that small warts on the scalp usually could be rubbed off with the first application, a large one requiring more thorough treatment; and that one application was sufficient to remove warts when used properly. It was further directed that the user pick gently so that the liquid would penetrate the skin if the growth treated was very small, that when the skin turned yellow no more should be applied; but that with a large wart enough should be used to turn it dark; that about two hours after applying, the growth should be greased with vaseline to keep it soft and to prevent soreness. Users were cautioned not to use the preparation on themselves unless the growth was on arm, leg, or where freely accessible; that the scab should not be picked off; that a little vaseline should be placed around the growth to keep the liquid from spreading; and that the product should not be permitted to enter the eye. The labeling also bore the word "Poison" and external and internal antidotes.

On May 16, 1939, the United States attorney for the Western District of Missouri filed a libel against 21 packages of Miller's Anti-Mole at Kansas City, Mo.; alleging that the article had been shipped in interstate commerce on or about March 13, 1939, by the Miller Manufacturing Co. from Lincoln, Nebr.; and charging that it was adulterated and misbranded.

It was alleged to be an adulterated cosmetic for the reasons given above. It was also alleged to be a misbranded drug as reported in D. D. N. J. No. 71.

On July 21, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**19. Adulteration and misbranding of O. J.'s Beauty Lotion. U. S. v. 428 Bottles of O. J.'s Beauty Lotion. Default decree of condemnation and destruction. (F. D. C. No. 242. Sample No. 62843-D.)**

This product contained mercuric chloride, a poisonous and deleterious ingredient.

On August 8, 1939, the United States attorney for the Northern District of Texas filed a libel against 428 bottles of O. J.'s Beauty Lotion at Dallas, Tex.; alleging that the article had been shipped in interstate commerce by O. J.'s