

32. Adulteration and misbranding of Louise Norris Lash and Brow Coloring. U. S. v. 9 Cartons of Louise Norris Lash and Brow Coloring (and 5 seizure actions against other lots of the same product). Default decrees of condemnation and destruction. (F. D. C. Nos. 2429, 2667, 2710, 3159, 3307, 3308. Sample Nos. 4570-E to 4574-E, incl., 11108-E, 16329-E, 31901-E, 31902-E, 44931-E, 44932-E, 44933-E.)

This product consisted of the following substances accompanied by appliances for their use: "Formula No. 1 Preparo" which was a solution of silver proteinate, "Formula No. 2 Protecto" which was essentially lanolin, a product called "Absorbo" or "Formula No. 3 Absorbo" which consisted of magnesium carbonate; a bottle marked "A" which contained a solution of 2, 5 toluylenediamine together with sulfite and sulfate of sodium, and a bottle marked "B" which contained a solution of hydrogen peroxide. The ingredient 2, 5 toluylenediamine might have rendered the product injurious to users under the conditions of use prescribed in the labeling or under such conditions of use as are customary or usual.

On July 24, October 10, and November 6, 1940, the United States attorneys for the Southern District of Texas, the District of Kansas, and the Northern District of Illinois filed libels against 9 cartons of Louise Norris Lash and Brow Coloring at Houston, Tex., 6 cartons at Pittsburg, Kans., and 95 cartons at Chicago, Ill., alleging that the article had been shipped by the Louise Norris Co. from Kansas City, Kans. On August 28 and 30, 1940, the United States attorney for the District of Colorado filed libels against 125 cartons of the same product at Denver, Colo., which had been shipped by the Louise Norris Co. from Kansas City, Mo. It was alleged in the libels that the article had been shipped in interstate commerce within the period from on or about March 19 to on or about August 22, 1940, and that it was adulterated and misbranded.

The article was alleged to be adulterated in that it contained a poisonous or deleterious substance, 2, 5 toluylenediamine, which might have rendered it injurious to users under the conditions of use prescribed in the labeling and under such conditions of use as are customary or usual. It was alleged to be adulterated further in that it contained a coal-tar color, namely, 2, 5 toluylenediamine, which was not from a batch that had been certified in accordance with regulations promulgated under the law.

The article was alleged to be misbranded in that the statements, (unit cartons and bottle "A" all lots) "Louise Norris Lash & Brow Coloring"; (direction circular, all lots) "Louise Norris Patented Method of Coloring Eyelashes and Brows"; (bottle label, Formula No. 2) "Protecto"; (large-sized carton unit, one lot) "This coloring known as Louise Norris Lash and Brow Coloring is now labeled in this manner to meet all requirements of law governing interstate commerce" and "Guarantee. We guarantee this package to conform with all local, state and federal regulations of the Food, Drug, and Cosmetic Act."

On August 24, October 8, and November 12, 1940, and January 28, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HAIR DYE

33. Adulteration of Farr's For Gray Hair. U. S. v. 16 Cartons and 5 Cartons of Farr's For Gray Hair. Default decree of condemnation and destruction. (F. D. C. No. 202. Sample Nos. 48923-D, 48941-D, 48942-D.)

This product, a hair dye, consisted of a liquid containing silver nitrate and tablets containing diamidophenol hydrochloride, 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 label did not bear the caution statement required 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."

On March 13, 1939, the United States attorney for the District of Rhode Island filed a libel against 21 cartons of the above-named product at Providence, R. I., alleging that the article had been shipped in interstate commerce on or about October 4 and December 1, 1939, by the Brookline Chemical Co. from Boston, Mass.; and charging that it was adulterated for the reasons appearing above.

The article was labeled in part: (Cartons) "Farr's For Gray Hair No. 4 For Black Hair [or "No. 2 For Medium Brown Hair" or "No. 3 For Light Brown Hair"] Gives the hair a youthful, attractive appearance * * * The Brookline Chemical Co., Boston, Mass."; (bottles) "Directions.—Before beginning the use of Farr's Preparation it is necessary to remove all the natural oil from the hair,