

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,

more especially near the scalp. To do so, shampoo thoroughly with borax, soap and warm water, or better, Farr's Shampoo. Then rinse well with clean water several times to remove all the lather from the hair. Dry thoroughly. Pour a small quantity of the Preparation into a saucer and apply with a tooth brush or nail brush, thoroughly moistening the gray hair. Important.—After the hair has become fairly dry, use the sensitizing tablets, according to directions. The hair may be shampooed and curled as often as desired after the proper color has been secured. External Use Only. Keep Bottle in Box * * * Spread newspapers over porcelain bowl or table to prevent staining. Wash the skin around the hair-line with soap and water to remove any stain, also if the solution drops on the skin. Throw an old wrap over the shoulders and wear an old pair of gloves when applying the solution. If the hair is very gray it is advisable to treat a small lock of the outside hair with the Preparation for a few days before applying it all over the hair in order to see the final results"; (folder) "Farr's Sensitizing Tablets * * * After applying Farr's for Gray Hair and when the hair is fairly dry, dissolve one tablet in two tablespoonfuls of water. If it requires more than two tablespoonfuls to go over the hair, dissolve more of the tablets in the same proportions, that is, one tablet to each two tablespoonfuls of water. Be sure to be accurate about the exact amount of water to each tablet. Apply this solution with a tooth or nail brush. If the desired color is not obtained from the first treatment, again apply the Farr's for Gray Hair and this sensitizing solution, using the same quantity of both in each treatment. The six tablets may be dissolved in a six ounce bottle at one time if more convenient. These six tablets make enough sensitizing solution for one six ounce bottle of Farr's for Gray Hair. The liquid in the bottle contains the color ingredients. The tablet is merely a developer to bring out the color imparted by the Farr's for Gray Hair. For this reason never use the tablet solution unless you have first used the Farr's for Gray Hair. If the hair becomes too dark lighten it by shampooing with Borax and water or a strong soap. The next time add three tablespoonfuls of water to each tablet. The more water used with each tablet the lighter the hair will become. The hair may be shampooed and curled as often as desired after the proper color is obtained. Spread newspapers over porcelain bowl or table to prevent staining. Wash the skin around the hair line with soap and water to remove stain, also if the solution drops on the skin. Throw an old wrap over the shoulders and wear an old pair of gloves when applying the solution. External Use Only."

On August 27, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

SCALP REMEDY

34. Misbranding of L. B. Hair Oil. U. S. v. 14 $\frac{1}{2}$ Dozen Packages of L. B. Hair Oil. Default decree of condemnation and destruction. (F. D. C. No. 1043. Sample No. 70952-D.)

The labeling of this product bore false and misleading representations regarding its efficacy in the conditions indicated below. Its package was deceptive since the bottles were pinched down to approximately one-half size in the center, and therefore contained a much smaller volume of material than would be expected from the size of the carton.

On November 22, 1939, the United States attorney for the District of Utah filed a libel against 14 $\frac{1}{2}$ dozen packages of L. B. Hair Oil at Ogden, Utah, alleging that the article had been shipped in interstate commerce in part by the L. B. Laboratories, Inc., from Hollywood, Calif., on or about September 18, 1939, and in part by McKesson & Robbins, Inc., from Los Angeles, Calif. (the later shipment made about August 21, 1939); and charging that it was a misbranded cosmetic.

It was alleged in the libel that the article was misbranded in that its labeling bore representations that it was a scalp conditioner, that it contained a balanced blend of rich animal oils and toning ingredients which would give life to the hair almost instantly, that it would aid in overcoming baldness, thin and falling hair, that it contained animal oils of a very penetrating nature, that it was an "oil of life" for the hair, that it had cured baldness in its originator, that it was a blend of animal oils which would provide the vitalizing, nourishing, and restorative elements needed by the scalp to clear out clogging waste matter and dead tissue and to restore normal functions and growth and produce beautiful healthy hair again in a short time, regardless of the present condition, that many bald for 18 or 20 years testified to a regrowth in approximately 2 years, and that those bald for a shorter time claimed even quicker results, that it was effective for infant scalp trouble, would be effective to eliminate granulated eyelids and stim-