

state commerce from San Francisco, Calif., by the Willat Production Co. on or about January 8, 1941; and charging that it was adulterated in that it contained a poisonous or deleterious substance, ammonium hydrogen sulfide, which might have rendered it injurious to users under such conditions of use as are customary or usual. The shampoo hair conditioner and the solutions comprising each unit of the article were labeled in part: (Bottles) "Willat De Luxe * * * Distributor—Heatless Permanent Wave Co., San Francisco, Calif."

On June 23, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

57. Adulteration of permanent wave curling solution. U. S. v. 99 Units, 20 Units, and 60 Units of Willat Method of Heatless Permanent Waving. Consent decrees of condemnation and destruction of the curling solution; remainder of product ordered released to claimants. (F. D. C. Nos. 4397, 4423, 4483. Sample Nos. 43259-E to 43261-E, incl.)

On April 23, 25, and 28, 1941, the United States attorney for the District of Nebraska filed libels against 99 units of Willat Method of Permanent Waving at Omaha, 20 units at Lincoln, and 60 units at North Platte, Nebr., alleging that the article had been shipped by the Heatless Permanent Wave Co. on or about January 8, February 4, and March 6, 27, and 28, 1941, from San Francisco, Calif.; and charging that it was adulterated in that it contained a poisonous or deleterious substance, ammonium hydrogen sulfide.

On May 22 and 23, 1941, Maison Lorenzo, Inc., claimant for the product seized at Omaha and Lincoln, and Milly Spady, owner and operator of Milly's Shop, claimant for the product seized at North Platte, Nebr., having consented to the entry of decrees, judgments of condemnation and destruction of the curling solution were entered and the remainder of the product was ordered released and returned to the claimants.

EYELASH AND EYEBROW DYES

58. Adulteration and misbranding of Mary Luckie Hair Tints. U. S. v. 5 Packages of Mary Luckie Original Hair Tint Black and 1 Package of Mary Luckie Original Hair Tint Jet Black (and 3 other seizures of Mary Luckie products). Decrees of destruction. (F. D. C. Nos. 4867, 4992, 5088, 5133. Sample Nos. 16854-E, 43589-E, 43599-E, 43600-E, 43773-E, 43943-E.)

These products contained paraphenylenediamine, a poisonous or deleterious substance, which might have rendered them injurious to users under such conditions of use as are customary or usual. Furthermore, the combination in each package was not one which is associated with a hair dye but was one which is commonly associated with eyelash and eyebrow dyes.

On June 5 and 28 and July 9 and 12, 1941, the United States attorneys for the District of Kansas and the Northern and the Western Districts of Oklahoma filed libels against 6 packages of Mary Luckie Original Hair Tints at Pittsburg, Kans.; and 3 packages at Tulsa, 44 packages at Oklahoma City, and 19 packages at Enid, Okla., alleging that the articles had been shipped within the period from on or about April 21 to on or about June 12, 1941, by the Marlu Co. from Kansas City, Mo.; and charging that they were adulterated and misbranded. They were labeled in part: "Mary Luckie Original Hair Tint Black [or "Jet Black" or "Dark Brown"]."

The articles were alleged to be adulterated in that they contained a poisonous or deleterious substance which might have rendered them injurious to users under such conditions of use as are customary or usual.

They were alleged to be misbranded in that the designation "Hair Tint" was false and misleading since they were not hair tints but eyelash and eyebrow dyes.

On June 23, July 14, and August 13, 1941, no claimant having appeared, judgments were entered ordering that the products be destroyed.

59. Adulteration and misbranding of eyelash and eyebrow dye. U. S. v. 81 Unit Cartons of Louise Norris Lash & Brow Coloring. Default decree of condemnation and destruction. (F. D. C. No. 2675. Sample Nos. 26808-E to 26811-E, incl.)

This product contained a potentially dangerous ingredient, 2,5 toluylenediamine.

On August 27, 1940, the United States attorney for the Western District of Washington filed a libel against 81 unit cartons of Louise Norris Lash & Brow Coloring at Seattle, Wash., alleging that the article had been shipped in inter-

state commerce on or about October 27 and November 16, 1939, and June 15, 1940, by the Louise Norris Co. from Kansas City, Mo.; and charging that it was adulterated and misbranded.

It was alleged to be adulterated in that it contained a poisonous or deleterious substance, namely 2,5 toluylenediamine, 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. 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 the regulations provided by law.

The article was alleged to be misbranded in that the following statements were false and misleading when applied to an article which might be dangerous when used under the conditions prescribed in the labeling: (Unit carton and bottle "A" label) "Louise Norris Lash & Brow Coloring": (Formula No. 2 bottle label) "Protecto"; and (directions circular) "Louise Norris Patented Method of Coloring Eyelashes and Brows."

On January 28, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HAIR AND SCALP PREPARATIONS

60. Misbranding of Odell's Quinine for the Hair. U. S. v. 140 Bottles of Odell's Quinine for the Hair. Default decree of condemnation and destruction. (F. D. C. 3609. Sample No. 24831-E.)

This product was represented to be a quinine preparation, whereas it contained no quinine. Its labeling also bore false and misleading representations regarding its efficacy as indicated below.

On December 30, 1940, the United States attorney for the Eastern District of Pennsylvania filed a libel against 140 bottles of Odell's Quinine for the Hair at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about November 19, 1940, by the Odell Co. from Newark, N. J.; and charging that it was misbranded.

Analysis showed that the article consisted essentially of water, alcohol, extracts of plant materials including brucine, and perfuming materials.

Misbranding was alleged in that the statements "Quinine * * * Stimulating * * * Essential to healthy hair," borne on the bottle label, were false and misleading in that they were incorrect.

The article was also alleged to be misbranded under the provisions of the law applicable to drugs, as reported in notice of judgment D. D. No. 297.

On January 22, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

61. Misbranding of La-Nu Hair and Scalp Vitalizer. U. S. v. 429 Large and 429 Small Jars of La-Nu. Default decree of condemnation and destruction. (F. D. C. No. 3913. Sample Nos. 31323-E, 31324-E.)

The label of this product bore false and misleading representations regarding its efficacy in the conditions indicated below. The label on the small jars also failed to bear an accurate statement of the quantity of the contents, which, because of the exceptional thickness of the glass and the manner in which the container was made, was very much less than was indicated by the outward appearance of the container.

On March 4, 1941, the United States attorney for the Western District of Michigan filed a libel against 858 jars of La-Nu Hair and Scalp Vitalizer at Grand Rapids, Mich., alleging that the article had been shipped on or about January 20 and February 3, 1941, from Philadelphia, Pa., by the La-Nu Distributing Co.; and charging that it was misbranded.

Analysis of a sample of the article showed that it consisted essentially of ammoniated mercury, boric acid, eucalyptus oil, and lanolin.

The article was alleged to be misbranded in that the following statements, appearing in the labeling, were false and misleading since it was not efficacious for the purposes recommended: (Top of large jar) "Hair and Scalp Vitalizer"; (label on large jar) "Recommended as an aid in the relief of * * * Alopecia Ring Worms * * * and Falling Hair"; and (label on small jar) "Recommended for dandruff alopecia and ring worm * * * falling hair."

The portion of the product contained in the small jars was alleged to be misbranded further in that the label failed to bear an accurate statement of the