

A portion of the article was alleged to be misbranded in that the statement, "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. \* \* \* Guarantee We guarantee this package to conform with all local, State and Federal regulations of the Food, Drug, and Cosmetic Act," appearing on the carton, were false and misleading since the article did not meet the requirements of all laws governing interstate commerce and it did not meet the requirements of the Federal Food, Drug, and Cosmetic Act.

On February 19, 1942, the defendant entered a plea of nolo contendere and the court imposed a fine of \$50 on each of the 13 counts with a jail sentence of 12 months on each count to run concurrently. The jail sentence was suspended, however, and the defendant was placed on probation for 3 years.

**78. Adulteration and misbranding of Mary Luckie Original Hair Tints. U. S. v. 25 Packages, 29 Packages, and 30 Packages of Mary Luckie Original Hair Tints. Default decrees of condemnation and destruction. (F. D. C. Nos. 5032, 5033. Sample Nos. 57521-E to 57524-E, incl.)**

This product contained paraphenylenediamine, a poisonous or deleterious ingredient which might have rendered it injurious to users under such conditions of use as are customary or usual. It was also falsely represented to be a hair tint.

On or about July 8, 1941, the United States attorney for the Eastern District of Arkansas filed libels against 55 packages of Mary Luckie Original Hair Tint (Jet Black) and 29 packages of Mary Luckie Original Hair Tint (Black), at Little Rock, Ark., alleging that the article had been shipped in interstate commerce on or about May 12 and 31, 1941 by the Marlu Co. from Kansas City, Mo.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that it bore or contained a poisonous or deleterious substance which might have rendered it injurious to users under such conditions of use as are customary or usual. It was alleged to be misbranded in that the designation "hair tint" was false and misleading since it was not a hair tint but was an eyelash and eyebrow dye.

On October 2, 1941, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

**79. Adulteration of Kix Kinks Hair Straiter. U. S. v. 3 Packages and 5 Packages of Kix Kinks Hair Straiter. Default decrees of condemnation and destruction. (F. D. C. Nos. 7903, 7904. Sample Nos. 77883-E, 77884-E.)**

This product contained sodium hydroxide.

On July 14, 1942, the United States attorney for the District of New Jersey filed libels against 8 packages of Kix Kinks Hair Straiter at Newark, N. J., alleging that the article had been shipped on or about June 19 and November 13, 1941, and April 26, 1942, by Dorosy, Inc., from New York, N. Y.; and charging that it was adulterated in that it contained a poisonous or deleterious substance, namely, sodium hydroxide 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 September 10, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**80. Adulteration and misbranding of Tartaroff. U. S. v. 11 Display Cards of Tartaroff. Default decree of condemnation and destruction. (F. D. C. No. 4810. Sample No. 29701-E.)**

This product contained citric acid, which might have rendered it injurious to users and it also contained an uncertified coal-tar color.

On May 21, 1941, the United States attorney for the Southern District of Indiana filed a libel against 11 display cards, each containing 13 bottles of Tartaroff, at Indianapolis, Ind., alleging that the article had been shipped in interstate commerce on or about March 22, 1941, by the Tartaroff Co. from Chicago, Ill.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that it contained a poisonous or deleterious substance, namely, citric acid, which might have rendered it injurious to users under the conditions of use prescribed in the labeling thereof or under such conditions of use as are customary or usual. It was alleged to be adulterated further in that it bore or contained a coal-tar color other than one from a batch which had been certified in accordance with regulations prescribed by law.

It was alleged to be misbranded in that the statements, (display card) "Tartaroff is harmless and will not injure enamel," (carton) "Tartaroff is harmless," were false and misleading since it was harmful and would injure enamel.

On July 14, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**81. Adulteration and misbranding of witch hazel. U. S. v. 1 Bottle of Witch Hazel. Default decree of condemnation and destruction.** (F. D. C. No. 1789. Sample No. 1059-E.)

This product was not distilled witch hazel as labeled, but consisted essentially of acetone, water, and a small amount of perfume.

On April 11, 1940, the United States attorney for the Northern District of West Virginia filed a libel against 1 bottle of a product labeled "Pure Double Distilled Witch Hazel" at Fairmont, W. Va., alleging that the article had been shipped in interstate commerce on or about July 5, 1939, by Edlis, Inc., from Pittsburgh, Pa., to Charleston, W. Va., and that it had been reshipped on or about July 13, 1939, to Fairmont, W. Va.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that it was a cosmetic and bore or contained a deleterious substance which might have rendered it injurious to users under such conditions of use as are customary or usual.

It was alleged to be misbranded in that the statement "Pure Double Distilled Witch Hazel," borne on the label, was false and misleading since it was incorrect.

On August 26, 1941, the sole claimant having withdrawn her claim, judgment of condemnation was entered and the product was ordered destroyed.

### COSMETICS CONTAMINATED WITH FILTH

**82. Adulteration of Spark'l Shaving Cream, Paulette Hair Dressing, and Paulette Bay Rum. U. S. v. 1,428 Packages of Spark'l Shaving Cream, 276 Packages of Paulette Hair Dressing, and 3,204 Bottles of Paulette Bay Rum. Default decree of condemnation and destruction.** (F. D. C. Nos. 7420, 7483. Sample Nos. 87790-E, 87791-E, 98283-E.)

The shaving cream and hair dressing were found to be contaminated with filth such as rodent, cat, and human hairs, insect fragments, and miscellaneous dirt. Examination of these articles also showed the presence of paint, rust, pieces of cardboard, and wood splinters. The bay rum was contaminated with dirt, soot fragments, and plant fibers.

On May 1 and 9, 1942, the United States attorneys for the District of Columbia and the District of Massachusetts filed libels against 1,428 packages of Spark'l Shaving Cream and 276 packages of Paulette Hair Dressing at Washington, D. C., and 3,204 bottles of Paulette Bay Rum at Boston, Mass., alleging that the articles had been shipped by the Spark'l Co. (Spark'l Paulette Co., Inc.) from Brooklyn, N. Y., on or about March 24 and April 20, 1942; and charging that they were adulterated in that they had been prepared and packed under insanitary conditions whereby they might have become contaminated with filth.

On August 8 and September 28, 1942, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

**83. Adulteration of miscellaneous cosmetics. U. S. v. A Certain Quantity of Cosmetics. Consent decree of condemnation. Products ordered released under bond for segregation and relabeling of fit portions.** (F. D. C. No. 4214. Sample Nos. 56786-E to 56794-E, incl.)

This case was based on a shipment of salvaged smoke- and water-damaged goods, which included various cosmetics.

On April 15, 1941, the United States attorney for the Southern District of New York filed a libel against 284 cartons of miscellaneous merchandise, including a certain quantity of cosmetics, at New York, N. Y., alleging that the articles had been shipped on or about February 26 and 28, 1941, by Curtis & Travis from Harrisburg, Pa.; and charging that the cosmetics were adulterated in that they consisted in whole or in part of filthy substances, and in that they had been held under insanitary conditions whereby they might have become contaminated with filth.

The libel also covered quantities of foods and drugs that were adulterated, as reported in F. N. J. No. 2825 and D. D. N. J. No. 563.

On April 30, 1941, Gibbs Peoples Drug Service Co., Harrisburg, Pa., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the products were ordered released under bond conditioned that the fit portions be segregated and relabeled in compliance with the law.