

FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

96-112

COSMETICS

The cases reported herewith were instituted in the United States District Courts by the United States attorneys acting upon reports submitted by direction of the Federal Security Administrator.

WATSON B. MILLER, *Acting Administrator, Federal Security Agency.*

WASHINGTON, D. C., *November 13, 1944.*

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COSMETICS ACTIONABLE BECAUSE OF ADULTERATION WITH POISONOUS OR DELETERIOUS SUBSTANCES

Notices of judgment Nos. 96 to 98 report actions against cosmetics which contained lacquer. Numerous reports had been received of injuries resulting from these or a similar product, and, in each case of seizure, complaints had been received of injuries resulting from the particular shipment of the goods seized.

96. Adulteration of Hubere Hair Lacquer and Hair Lacquer Pads. U. S. v. 68 Bottles of Hubere Hair Lacquer and 8 Jars of Hubere Hair Lacquer Pads (and 4 other seizure actions against Hubere Hair Lacquer Pads). Default decrees of condemnation and destruction. (F. D. C. Nos. 10864, 10868, 10902, 10912, 10927. Sample Nos. 44253-F, 47275-F, 47276-F, 51389-F, 51390-F, 53174-F, 53178-F.)

Between October 1 and 11, 1943, the United States attorneys for the District of Maryland, Southern District of New York, Eastern District of Virginia, Western District of Tennessee, and the District of Massachusetts filed libels against 68 bottles of Hubere Hair Lacquer at Brookline, Mass., and against the following quantities of Hubere Hair Lacquer Pads: 30 packages at Baltimore, Md., 18 packages at Poughkeepsie, N. Y., 14 packages at Richmond, Va., 689 packages at Memphis, Tenn., and 8 jars at Brookline, Mass.; alleging that the articles had been shipped within the period from on or about July 28 to August 18, 1943, by Hubere Cosmetics from Chicago, Ill.; and charging that they were adulterated.

The Massachusetts lot of the Hair Lacquer Pads was alleged to be adulterated in that the article contained a poisonous and deleterious substance which might have rendered it injurious to users under the conditions of use prescribed in its labeling, "Hair Lacquer Pads," and under the conditions of use that are customary and usual, the application of the article directly to loose strands of hair. The remaining lots of the Hair Lacquer Pads were alleged to be adulterated in that the article contained a poisonous or deleterious chemical substance which

might have rendered it injurious to users under the conditions of use prescribed in its labeling: "To preserve that well groomed appearance of those very important moments when that strand of hair or loose curl goes astray. A gentle pat or brush with one of these delicately scented pads restores immediately that perfect appearance so necessary."

The Hubere Hair Lacquer was alleged to be adulterated in that it contained a poisonous and deleterious substance which might have rendered it injurious to users under the conditions of use prescribed in the labeling, "Hair Lacquer," and under the conditions of use that are customary and usual, spraying the article on the hair with an atomizer.

Between November 5 and 22, 1943, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

97. Adulteration of Hubere Hair Lacquer Pads. U. S. v. 151 Packages of Hubere Hair Lacquer Pads. Default decree of forfeiture and destruction. (F. D. C. No. 10956. Sample Nos. 26205-F, 26206-F.)

On November 23, 1943, the United States attorney for the Southern District of Indiana filed a libel against 151 packages of Hubere Hair Lacquer Pads at Indianapolis, Ind., alleging that the article had been shipped on or about July 26 and August 2 and 9, 1943, by Bailey's Beautician Supply Co., Chicago, Ill.; and charging that it was adulterated.

The article was alleged to be adulterated in that it bore or contained a poisonous and deleterious substance which might have rendered it injurious to users under the conditions of use prescribed in the labeling: "A gentle pat or brush with one of these delicately scented pads restores immediately that perfect appearance so necessary."

On February 1, 1944, no claimant having appeared, judgment of forfeiture was entered and the product was ordered destroyed.

98. Adulteration of Gold Coast Hair Lacquer. U. S. v. 37 Bottles of Gold Coast Hair Lacquer. Default decree of condemnation and destruction. (F. D. C. No. 11024. Sample No. 43821-F.)

On October 27, 1943, the United States attorney for the Western District of Oklahoma filed a libel against 37 bottles of Gold Coast Hair Lacquer at Oklahoma City, Okla., alleging that the article had been shipped in interstate commerce on or about August 12, 1943, by the Robinson Co. from Chicago, Ill.; and charging that it was adulterated.

The article was alleged to be adulterated in that it contained a poisonous and deleterious substance which might have rendered it injurious to users under the conditions of use prescribed in the labeling, "Can be sprayed or padded on," or under the conditions of use that are customary or usual.

On November 29, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

99. Adulteration of Pierrette Custom Process of Cold Permanent Waving. U. S. v. 3 Bottles of Pierrette Custom Process of Cold Permanent Waving. Default decree of condemnation and destruction. (F. D. C. No. 8488. Sample No. 8920-F.)

Examination showed that this product consisted essentially of ammonium hydrogen sulfide (4.96 grams per 100 cc.) and water.

On October 1, 1942, the United States attorney for the Western District of Texas filed a libel against 3 bottles of the above-named product at San Antonio, Tex., alleging that the article, which had been consigned by Pierrette, had been introduced into interstate commerce at Los Angeles, Calif., on or about July 7, 1942; 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 the conditions of use that are customary or usual.

On February 13, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

COSMETICS ACTIONABLE BECAUSE OF CONTAMINATION WITH FILTH

100. Adulteration of miscellaneous cosmetics. U. S. v. 223 Cases of Miscellaneous Foods, Drugs, and Cosmetics. Decree of condemnation. Products ordered released under bond for reprocessing and relabeling good portion. (F. D. C. No. 8509. Sample No. 28246-F.)

Some of these products had been water-damaged and others were very old and deteriorated.

On October 5, 1942, the United States attorney for the Northern District of Georgia filed a libel against 223 cases of miscellaneous foods, drugs, and cosmetics