

failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; and, Section 602 (b) (2), the jars bore no label containing a statement of the quantity of the contents.

DISPOSITION: October 11, 1945. A plea of guilty having been entered on behalf of the corporation, and a plea of nolo contendere having been entered by the individual, the corporation was fined \$100 and the individual was fined \$10.

121. Adulteration of Odo-ro-no. U. S. v. 119 Dozen Packages and 60 Dozen Packages of Odo-ro-no. Default decree of condemnation and destruction. (F. D. C. No. 14417. Sample No. 83141-F.)

LIBEL FILED: November 14, 1944, District of New Jersey.

ALLEGED SHIPMENT: On or about March 9 and April 25, 1944, by the Northam Warren Corporation, from Stamford, Conn.

PRODUCT: 119 dozen $\frac{3}{4}$ -fluid ounce size and 60 dozen $1\frac{5}{8}$ -fluid ounce size packages of Odo-ro-no at Jersey City, N. J.

Examination showed that this product was colored with Acid Fuchsine, Colour Index No. 692, a coal-tar dye which is not a color certifiable for use in cosmetics.

NATURE OF CHARGE: Adulteration, Section 601 (e), the article contained a coal-tar color which has not been listed for use in cosmetics in accordance with the regulations and is other than one from a batch that has been certified.

DISPOSITION: March 26, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

COSMETICS ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS

122. Misbranding of Jeunice "Brown Magic" Plastique Masque, Emulsion Luxury Cream, Line-No-More Treatment, Sensation Cocktail Astringent, Oleo-Stimulatum Cerate, and "Youth-Glow" Finishing Lotion. U. S. v. Eunice Skelly (Eunice Skelly House of Youth). Plea of guilty. Fine, \$300; 6 months' suspended jail sentence. Defendant placed on probation for 6 months. (F. D. C. No. 11349. Sample Nos. 2273-F, 16808-F, 16809-F.)

INFORMATION FILED: August 5, 1944, Southern District of New York, against Eunice Skelly, trading as Eunice Skelly and the Eunice Skelly House of Youth, New York, N. Y.

ALLEGED SHIPMENT: On or about July 20 and November 27, 1942, from the State of New York into the States of Illinois and New Jersey, of cosmetics described in the defendant's literature as "Deluxe Rejuvenating Kit," and by various other names.

PRODUCT: Analysis showed that the "Brown Magic" Plastique Masque was a flesh-colored (greyish pink), ointment-like mixture consisting essentially of water, zinc oxide, colored clay (containing iron oxide), perfume, and benzaldehyde. The Emulsion Luxury Cream consisted essentially of a light yellow-colored and perfumed emulsified mixture of water, borates, and an oil, fat, or wax. The Line-No-More Treatment was a clear, light bluish-red, odorless liquid consisting essentially of an aqueous solution of silicate (possibly water glass). The Sensation Cocktail Astringent was a clear, light yellowish-red, aqueous alcoholic liquid consisting essentially of a colored and heavily perfumed mixture of water, alcohol, and borates, with possibly some other inorganic salts. The Oleo Stimulatum Cerate was a light yellow, salve-like substance consisting essentially of a colored and perfumed emulsified mixture of water and an oil, fat, or wax. The "Youth Glow" Finishing Lotion consisted essentially of a suspension of colored zinc oxide in a colorless, perfumed, aqueous alcoholic liquid. Enclosed in the package containing the articles when shipped in interstate commerce were certain circulars entitled "Important New Instructions and Suggestions," "Prove by one Trial," "Eunice Skelly presents her," "Eunice Skelly's Brochure," and "Eunice Skelly's Instructions."

NATURE OF CHARGE: *Jeunice "Brown Magic" Plastique Masque.* Misbranding, Section 602 (a), certain statements in the circulars were false and misleading since they represented and suggested that the article would rejuvenate the skin and would cause the blood to flow in a fresh, purifying stream to the muscles and tissues, whereas the article would not be efficacious for the purposes recommended and suggested.

Jeunice Emulsion Luxury Cream. Misbranding, Section 602 (a), certain statements in the circulars were false and misleading since they represented

and suggested that the article, when used alone or in combination with the "Brown Magic" Masque" or "Line-No-More-Film," would be efficacious to retard the formation of lines in the skin, to nourish the skin, and to purge the pores of all dirt and impurities. The article would not be efficacious for the purposes recommended and suggested. Further misbranding, Section 602 (a), the statement "Line-No-More-Film," borne on the jar label of the Luxury Cream, regarding "Line-No-More-Treatment," another cosmetic, was false and misleading.

Line-No-More-Treatment. Misbranding, Section 602 (a), the statement "Line-No-More Treatment," borne on the jar label, and certain statements in the circulars were false and misleading since they represented and suggested that the article would be efficacious to eliminate lines from the skin; that it would have a rejuvenating effect upon the skin and cause the user to look years younger; that it would be efficacious to reduce wrinkles; that it would be an effective treatment for lines and puffiness around the eyes and loose, flabby tissue around the mouth and neck; that it would be efficacious to correct loose, wrinkled lips, nose-to-mouth lines, double chin, aging hands, and distended veins; and that it would be efficacious to draw impurities from the pores. The article would not be efficacious for the purposes recommended and suggested.

Sensation Cocktail Astringent. Misbranding, Section 602 (a), the statements on the jar label, "for toning and stimulating skin. Helps to correct and prevent enlarged pores and blackheads," and certain statements in the accompanying circulars were false and misleading since they represented and suggested that the article would be efficacious to tone and stimulate the skin; that it would be efficacious to correct and prevent enlarged pores and blackheads; and that it would be efficacious to tighten the skin. The article would not be efficacious for the purposes recommended and suggested.

Oleo Stimulatum Cerate. Misbranding, Section 602 (a), the statements on the jar label, "Stimulatum * * * Designed for dry, crepy, sallow skin, especially ageing necks," and certain statements in the accompanying circulars were false and misleading since they represented and suggested that the article would be efficacious in the correction of dry, crepy, sallow skin and especially aging necks; that the article contained an extract of some gland which would exercise or rejuvenate the tissues to which it was applied; and that it would be efficacious to rejuvenate the face. The article did not contain an extract of a gland which would exercise or rejuvenate the tissues to which it was applied, and it would not be efficacious for the purposes recommended and suggested.

Jeunice "Youth Glow" Finishing Lotion. Misbranding, Section 602 (a), the statement on the jar label, "Youth Glow," and certain statements in the accompanying circulars were false and misleading since they represented and suggested that the article was a rejuvenating lotion which would restore the glow of youth and which would be efficacious to keep the skin firm and glowing. The article would not be efficacious for the purposes represented and suggested.

All products. Further misbranding, Section 602 (a), certain statements in the circulars were false and misleading since they represented and suggested that the above-named cosmetics, used together, and with a device known as the "Contour-Molde 'Face Lifting' Bandage," would be efficacious in the correction of wrinkles, crow's-feet, double chin, crepy throat, puffiness, and sagging muscles; that they would help to present the user's real inner self in the most alluring and attractive manner; that they would be efficacious to prevent the loss of youthful loveliness and to help the user to regain beauty and confidence; that they would be efficacious to correct the effects of worry, fatigue, nervousness, or illness; and that they would be efficacious to stimulate sluggish glands and revitalize them back to normal, and to make the user look years younger. The articles used alone or in conjunction would not be efficacious for the purposes recommended and suggested.

The information also alleged that one of the devices, known as the "Contour-Molde 'Face Lifting' Bandage," was part of the shipment of November 27, 1944, and was misbranded under the provisions of the law applicable to drugs and devices, as reported in notices of judgment on drugs and devices.

DISPOSITION: August 10, 1944. A plea of guilty having been entered, the defendant was fined \$300 and sentenced to 6 months' imprisonment. The jail sentence was suspended, and the defendant was placed on probation for that period of time.

123. Misbranding of Miracle Aid for Wrinkles. U. S. v. 22 Packages, 119 Bottles, and 29 Bottles of Miracle Aid for Wrinkles. Default decrees of condemnation and destruction. (F. D. C. Nos. 12507, 12775, 14374. Sample Nos. 41209-F, 68166-F, 73306-F.)

LIBELS FILED: Between June 9 and November 3, 1944, Northern District of Ohio, Northern District of California, and Northern District of Texas.

ALLEGED SHIPMENT: Between March 2 and August 8, 1944, by the Miracle Products Co., from Chicago, Ill.

PRODUCT: 22 packages at Cleveland, Ohio, 119 bottles at San Francisco, Calif., and 29 bottles at Dallas, Tex., of Miracle Aid for Wrinkles.

Examination disclosed that the product consisted essentially of water, small amounts of albumin, sodium sulfite, and perfume, with the exception of a portion which consisted essentially of water with small amounts of protein, sodium chloride, sodium benzoate, and perfume.

NATURE OF CHARGE: Misbranding, Section 602 (a), certain statements on the bottle and package labels and in accompanying circulars entitled "For the Preservation and Enhancement of Beauty" and display cards entitled "Wrinkles and Double Chin Vanish" were false and misleading since they represented and suggested that the article would be efficacious to remove wrinkles and double chin; and that it would supply skin tissue protein. The article would not be efficacious for such purposes.

DISPOSITION: Between August 12, 1944, and March 26, 1945. No claimants having appeared, judgments of condemnation were entered and the product was ordered destroyed.

124. Misbranding of Presto for Blackheads. U. S. v. 11 Packages and 108 Dozen Packages of Presto for Blackheads. Default decrees of condemnation and destruction. (F. D. C. Nos. 8100, 9847. Sample Nos. 12815-F, 21698-F.)

LIBELS FILED: August 14, 1942, and April 22, 1943, Western District of Pennsylvania and District of Oregon.

ALLEGED SHIPMENT: On or about July 21, 1942, and March 25, 1943, by the McJohn Cosmetic Co., from Hollywood, Calif.

PRODUCT: 108 dozen packages of Presto for Blackheads at McKeesport, Pa., and 11 packages of Presto for Blackheads at Portland, Oreg.

Examination showed that the product consisted of a stick composed essentially of a mixture of ground pumice and titanium dioxide, incorporated in a hydrated waxy base.

NATURE OF CHARGE: Misbranding, Section 602 (a), the following labeling statements were false and misleading as applied to the product, which was not effective in removing blackheads and in keeping the pores of the skin clean: "Presto for Blackheads Quick Aid For Blackheads * * * A clean skin is the foundation for a beautiful complexion; don't allow your complexion to be marred by unsightly Blackheads. Never squeeze or pinch Blackheads; squeezing injures the skin and encourages large pores and blackheads. Use Presto Stick And Eliminate Squeezing. * * * In cases of stubborn Blackheads use Presto Stick once daily for several days. Thereafter use from time to time, as required, to keep pores clean."

The article was also alleged to be misbranded as reported in notices of judgment on drugs and devices.

DISPOSITION: October 8, 1942, and June 8, 1943. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

125. Misbranding of Olivo For Hair and Scalp. U. S. v. 35½ Dozen Bottles and 11½ Dozen Bottles of Olivo For Hair and Scalp. Default decree of condemnation and destruction. (F. D. C. No. 15075. Sample Nos. 79624-F, 79625-F.)

LIBEL FILED: January 23, 1945, Eastern District of Virginia.

ALLEGED SHIPMENT: Between the approximate dates of August 3 and October 20, 1944, by the Olivo Co., from Philadelphia, Pa.