

and thickness of the eyelashes, for stimulating eyelash growth, and for providing long, thick eyelashes, which statements were false and misleading since the article was not effective for such purposes.

DISPOSITION: November 26, 1952. Default decree of condemnation and destruction.

200. Misbranding of Hairmetique. U. S. v. 5 Jars, etc. (F. D. C. No. 34374. Sample No. 52332-L.)

LABEL FILED: November 28, 1952, District of New Jersey.

ALLEGED SHIPMENT: On or about October 16, 1952, by Hairmetique, Inc., from New York, N. Y.

PRODUCT: Hairmetique. 5 2-ounce jars of dark brown shade, 1 1-ounce jar of light brown shade, and 2 ½-ounce jars of warm brown shade at Newark, N. J., together with 97 leaflets entitled "Hairmetique. The Cosmetique for Hair Please Read Carefully." Examination showed that the shades called dark brown, light brown, and warm brown did not contain coal-tar colors, but were colored with iron oxide and carbon black.

The regulations for the enforcement of the Federal Food, Drug, and Cosmetic Act provide for the certification of coal-tar colors, but other colors are not eligible for certification.

LABEL, IN PART: (Jars) "Hairmetique The Cosmetique For Hair."

NATURE OF CHARGE: Misbranding, Section 602 (a), the following statement appearing in the leaflets was false and misleading since it created the false impression that the colors used had been certified by the Food and Drug Administration: "All color used in Hairmetique is cosmetic pigment, government certified and approved by the Pure Food and Drug Act."

DISPOSITION: January 23, 1953. Default decree of condemnation and destruction.

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Handwritten initials/signature

**U. S. Department of Health, Education, and Welfare
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]

201-202

COSMETICS

The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare, and include, where indicated, the results of investigations by the Department, prior to the institution of the proceedings. Published by direction of the Secretary of Health, Education, and Welfare.

CHARLES W. CRAWFORD, Commissioner of Food and Drugs.

WASHINGTON, D. C., *May 19, 1954.*

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**COSMETIC ACTIONABLE BECAUSE OF ADULTERATION WITH AN
UNCERTIFIED COAL-TAR COLOR**

201. Adulteration of Lashglo eyelash dye. U. S. v. Captivante Laboratories, Inc., and Paul Thomas. Pleas of guilty. Fine of \$100 against corporation and \$300 against individual. (F. D. C. No. 34860. Sample Nos. 4106-L, 8028-L, 35940-L, 37650-L, 44316-L.)

INFORMATION FILED: September 14, 1953, Southern District of New York, against Captivante Laboratories, Inc., New York, N. Y., and Paul Thomas, president of the corporation.

ALLEGED VIOLATION: On or about January 25, 1953, the defendants caused to be delivered to a firm at New York, N. Y., an invoice containing a guaranty that the merchandise listed on the invoice had been produced in full compliance with the provisions of the Federal Food, Drug, and Cosmetic Act. This invoice related to a shipment of Lashglo eyelash dye, which shipment had been made by the defendant to the holder of the guaranty. The guaranty contained in the invoice was alleged to be false in that the product to which it related was adulterated at the time the product was delivered to the holder of the guaranty.

NATURE OF CHARGE: Adulteration, Section 601 (e), the article was not a hair dye, and it contained a coal-tar color, namely, Nigrosine (C. I. No. 864), which had not been listed for use in cosmetics in accordance with the regulations and was other than one from a batch that had been certified.

DISPOSITION: September 14, 1953. The defendants having entered pleas of guilty, the court fined the corporation \$100 and the individual \$300.

**COSMETIC ACTIONABLE BECAUSE OF FALSE AND MISLEADING
CLAIMS**

202. Misbranding of McLaran's Cream for the Scalp. U. S. v. 527 Jars, etc. (F. D. C. No. 35315. Sample No. 26470-L.)

LIBEL FILED: June 16, 1953, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about February 18, 1953, from Beverly Hills, Calif.

PRODUCT: 527. 4-ounce jars of McLaran's Cream for the Scalp at Carbondale, Pa., in the possession of Cerra Distributors, together with a number of circulars entitled "Good News! The first Real News in Hair Restoratives" and a number of calling cards headed "McLaran's Cream For The Scalp."

Examination showed that the article consisted essentially of pumice, petrolatum, wax, vegetable oils, camphor, boric acid, and water.

RESULTS OF INVESTIGATION: The circulars and calling cards were formulated by and printed for the consignee of the product.

NATURE OF CHARGE: Misbranding, Section 602 (a), certain statements on the above-mentioned circulars and calling cards accompanying the article were false and misleading. The statements represented and suggested that the article was effective to grow and restore hair on bald heads, whereas the article was not effective for such purposes. The article was misbranded in this respect while held for sale after shipment in interstate commerce.

DISPOSITION: On or about July 13, 1953. Frank R. Cerra, trading as Cerra Distributors, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond, conditioned that the circulars and calling cards be destroyed.