

**217. Eyebrow and eye liner pencils and refills.** (F.D.C. No. 45782. S. Nos. 96-769 R, 96-771/2 R, 97-122 R, 97-124 R.)

**QUANTITY:** 131 vials, each containing 2 leads (light-brown color); 540 vials, each containing 2 leads (green color); 672 vials, each containing 2 leads (blue color); 7,200 pencils, (light-brown color); and 7,200 pencils (green color), at Binghamton, N.Y.

**SHIPPED:** Between April 1959 and April 1961, from Shelbyville, Tenn., (leads), by Jensen's, Inc., and (pencils), by Cavalier Pencil Co., Inc.

**LABEL IN PART:** (Pencils) "Light Brown [or "Green"] Elizabeth Post Distributor Fifth Ave., New York, N.Y."

**ACCOMPANYING LABELING:** Cards attached to each vial of leads reading in part "Elizabeth Post \* \* \* Eyebrow Pencil and Eye Liner Refills (various colors) Elizabeth Post Distributor Fifth Ave., New York."

**LIBELED:** 5-10-61, N. Dist. N.Y.

**CHARGE:** 601(e)—when shipped, the articles contained synthetic organic colors, namely, Hansa Yellow, C.I. No. 11680, and Rhodamine B, C.I. No. 45170, which were unsafe within the meaning of 706(a), since such synthetic organic colors had not been provisionally listed for cosmetic use in the area of the eye on the basis of prior commercial sale pursuant to Section 203 of the Color Additive Amendments of 1960.

**DISPOSITION:** 6-13-61. Default—destruction.

**218. Eyebrow and eye liner pencils.** (F.D.C. No. 45876. S. Nos. 83-283 R, 83-285/8 R, 83-290 R, 83-292/4 R, 83-297 R.)

**QUANTITY:** 272 gross (light-brown color); 10 gross (blue color); 66 gross (blue-green color); 22 gross (green color); 52 gross (violet color); 16 gross (turquoise color); 24 gross ("Silver Eyes Blue" color); 46 gross ("Silver Eyes Green" color); 50 gross ("Silver Eyes Violet" color); and 79 gross (red-brown color), at Mt. Vernon, N.Y.

**SHIPPED:** Between 4-6-60 and 5-5-60, from Shelbyville, Tenn., by Jensen's, Inc.

**LABEL IN PART:** (Ctn.) "Smartee Eyebrow Eye Liner Pencils."

**LIBELED:** 5-12-61, S. Dist. N.Y.

**CHARGE:** 601(e)—when shipped, the article (all lots) contained synthetic organic colors, namely, Rhodamine B, C.I. No. 45170, and Hansa Yellow, C.I. No. 11680, which were unsafe within the meaning of 706(a), since such synthetic organic colors had not been provisionally listed for cosmetic use in the area of the eye on the basis of prior commercial sale pursuant to Section 203 of the Color Additive Amendments of 1960.

**DISPOSITION:** On 6-12-61, Reliance Pen & Pencil Corp. filed a claim to the article. On 9-8-61, the claimant consented to the destruction of the article. On 10-27-61, a decree of condemnation and destruction of the article was filed.

**219. Eyebrow and eye liner pencils and refills.** (F.D.C. No. 45894. S. Nos. 34-381/3 R, 34-385/6 R, 34-392/3 R, 34-524 R, 34-527 R, 34-537 R.)

**QUANTITY:** 132 1 gross ctns. of refills, and 240 pencils, at Pelham, N.Y.

**SHIPPED:** Between 12-11-59 and 3-17-60, from Shelbyville, Tenn., by Jensen's, Inc.; on 1-25-61 and 4-17-61, from Bridgeport, Conn., by Connecticut Pencil Co.

**LABEL IN PART:** "Silverized Violet 5306 \* \* \*"; Silver 5014 \* \* \*"; "Silver Blue 5304 \* \* \*"; Silver Green 549 \* \* \*"; "Green 4158 \* \* \*"; "Ann Harper Eye Make-up—Lt. Brown"; "Ann Harper Eye Make-up—Green"; and "Light Brown 4617 \* \* \*."

**LIBELED:** 5-17-61, S. Dist. N.Y.

**CHARGE:** 601(e)—when shipped, the articles contained synthetic organic colors, Rhodamine B, C.I. No. 45170 and Hansa Yellow, C.I. No. 11680, which were unsafe within the meaning of 706(a), since such synthetic organic colors have not been provisionally listed for cosmetic use in the area of the eye on the basis of prior commercial sale pursuant to Section 203 of the Color Additive Amendments of 1960.

**DISPOSITION:** 6-5-61. Default—destruction.

**220. Eyebrow and eye liner pencil leads.** (F.D.C. No. 45929. S. Nos. 56-442 R, 56-448 R, 56-451 R, 56-458/60 R, 83-128 R.)

**QUANTITY:** 209 gross at New York, N.Y.

**SHIPPED:** 8-28-59, 2-26-60, 4-19-60, 5-27-60, and 10-14-60, from Shelbyville, Tenn., by Jensen's, Inc.

**LABEL IN PART:** "6863 Blue 046"; "6872 Green"; "4886 Violet"; "4758 Green"; "5730 Lt. Brown"; "5115 Blue-Green"; and "4715 Blue."

**LIBELED:** 6-8-61, S. Dist. N.Y.

**CHARGE:** 601(e)—when shipped, the articles contained synthetic organic colors, Rhodamine B, C.I. No. 45170 and Hansa Yellow, C.I. No. 11680, which were unsafe within the meaning of 706(a), since such synthetic organic colors have not been provisionally listed for cosmetic use in the area of the eye on the basis of prior commercial sale pursuant to Section 203 of the Color Additive Amendments of 1960.

**DISPOSITION:** 6-30-61. Default—destruction.

**221. Eyebrow pencils and refills, and eye liner pencils and refills.** F.D.C. No. 45742. S. Nos. 82-782 R, 82-878 R, 82-880 R.)

**QUANTITY:** 230 pencils and 7 boxes, each containing 12 3-unit vials of leads (green color); 160 pencils and 13 boxes, each containing 12 3-unit vials of leads (light-brown color); and 234 pencils and 6 boxes, each containing 12 3-unit vials of leads (blue color), at Brooklyn, N.Y.

**SHIPPED:** (Leads only) 10-10-60 and 11-21-60, from Shelbyville, Tenn., by Jensen's, Inc.

**LABEL IN PART:** (Pencils) "Marian Bialac's Green Beautiful Eyes, Ltd., N.Y.C."; "Light Brown Beautiful Eyes Ltd., N.Y.C."; and "Blue Beautiful Eyes Ltd., N.Y.C."

**RESULTS OF INVESTIGATION:** The eye pencil leads had been shipped in bulk to New York, N.Y., where a portion of the leads had been placed in mechanical pencils and the remainder of the leads had been repackaged.

**LIBELED:** 4-28-61, E. Dist. N.Y.

**CHARGE:** 601(e)—when shipped, the article contained synthetic organic colors, namely, Rhodamine B, C.I. No. 45170, and Hansa Yellow, C.I. No. 11680, which were unsafe within the meaning of 706(a), since such synthetic organic colors had not been provisionally listed for cosmetic use in the area of the eye on the basis of prior commercial sale pursuant to Section 203 of the Color Additive Amendments of 1960.