

**225. Eye liner pencils.** (F.D.C. No. 45945. S. Nos. 38-749/52 R.)

QUANTITY: 12 gross (blue color), 11 gross (green color), 12 gross (violet color), and 12 gross (turquoise color), at Bloomsbury, N.J.

SHIPPED: 5-16-60 and 6-15-60, from Lewisburg, Tenn., by Koh-I-Noor, Inc.

LABEL IN PART: (Pencil) "Platinized (color) Debutante Eyeliner Pencil."

LIBELED: 6-13-61, Dist. N.J.

CHARGE: 601(e)—when shipped, the article 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: 8-11-61. Default—destruction.

**226. Eye liner pencils.** (F.D.C. No. 45731. S. No. 83-252 E.)

QUANTITY: 15,000 pencils at New York, N.Y.

SHIPPED: 3-10-61, from Shelbyville, Tenn., by Jensen's, Inc.

LABEL IN PART: "Avon Eye Liner Violet."

LIBELED: 4-20-61, S. Dist. N.Y.

CHARGE: 601(e)—when shipped, the article contained a synthetic organic color, namely Rhodamine B, C.I. No. 45170, which was unsafe within the meaning of 706(a), since such synthetic organic color 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 or about 5-16-61. Default—destruction.

**227. Liquid eye liner.** (F.D.C. No. 45818. S. No. 47-682 R.)

QUANTITY: 3 1-gal. bulk containers, and 30 ctns., each containing 6 btls., at Toledo, Ohio.

SHIPPED: 4-28-60, from Matamoras, Pa., by Kolmar Cosmetic Specialties, Inc.

LABEL IN PART: (Btl.) "New Smartee Eye Liner Shadow Mink Brown."

ACCOMPANYING LABELING: Display cards reading in part "New Smartee Eye-liner and Eye Shadow \* \* \* Cameo, Inc., Toledo, Ohio."

RESULTS OF INVESTIGATION: The dealer at Toledo, Ohio, had repacked bulk liquid eye liner into retail bottles and attached the bottles to display cards.

LIBELED: 6-5-61, N. Dist. Ohio.

CHARGE: 601(e)—when shipped and while held for sale, the article contained a synthetic organic color, namely, Toluidine Red, C.I., 12120, which was unsafe within the meaning of 706(a), since such synthetic organic color 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: 7-6-61. Default—destruction.

**COSMETICS ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS****228. Robert's Nail Tone.** (F.D.C. No. 46046. S. No. 85-841 R.)

QUANTITY: 2,068 1/8-oz. btls. at Kansas City, Mo., in possession of Peck's.

SHIPPED: 4-25-61, from New York, N.Y., by Ace Assembly Agency.

LABEL IN PART: (Btl.) "Robert's Nail Tone For Well-Groomed Fingernails Mfg. by Nail-Tone, Inc., \* \* \* Miami, Fla."

ACCOMPANYING LABELING: Display card entitled "Robert's Nail Tone Health-Bauty Treatment"; a leaflet entitled "Nail Tone Takes The Ridges Out of Fingernails"; a leaflet copy of a newspaper advertisement reading in part "At Last! Famous Missile Scientists Discover Amazing New Fingernail Conditioner"; and a newspaper advertisement mat headed "Peck's Adv. Copy Mon \* \* \* 5/7."

RESULTS OF INVESTIGATION: Examination showed that the product was a white, finely ground, odorless, mildly abrasive powder. The newspaper advertisement mat had been prepared by the dealer.

LIBELED: 6-26-61, W. Dist. Mo.

CHARGE: 602(a)—when shipped and while held for sale, the labeling of the article contained false and misleading representations that the article was adequate and effective to produce healthier, harder nails, to smooth out ridges, and to prevent splitting nails.

DISPOSITION: 9-20-61. Consent—claimed by Allied Central Stores, Inc., d/b/a Peck's of Kansas City, Mo., and relabeled.

229. Beautiqué stockings. (F.D.C. No. 46048. S. No. 14-336 R.)

QUANTITY: 1,991 individually wrapped pairs in boxes, each containing 3 pairs, at Columbus, Ohio.

SHIPPED: 1-23-61, from Paducah, Ky., by Beautiqué Stockings, Inc.

LABEL IN PART: (Box) "Beautiqué Bathed In Precious Lotions That Beautify Your Legs."

ACCOMPANYING LABELING: Leaflet reading in part, (front) "Beautiqué Leg Stockings \* \* \* hosiery with a built-in beauty treatment \* \* \* that flatters your legs while massaging them with a softly scented emollient" and (back) "Beautiqué Leg Lotion \* \* \* for Problem Legs \* \* \* Containing Mink Oil \* \* \* Turtle Oil \* \* \* Royal Jelly \* \* \* Lanolin \* \* \* Plus the secret formula CXS which hastens the beautifying action of these precious lotions. \* \* \* Beautiqué Stockings, Inc., Paducah, Ky. A subsidiary of Claussner-Hosiery Co."

LIBELED: 6-26-61, S. Dist. Ohio.

CHARGE: 602(a)—when shipped, the labeling of the article contained false and misleading representations that the article contained lotions which fed the skin; rebuilt leg tissue; preserved the bloom of youth; softened, massaged, lubricated and beautified the legs.

The libel alleged also that the article was misbranded under the provisions of the law applicable to drugs and devices as reported in notices of judgment on drugs and devices.

DISPOSITION: 7-25-61 and 8-10-61. Consent—claimed by Claussner Hosiery Co., Inc., and reconditioned and relabeled.

230. Dusting powder, cosmetic cream, and lipsticks. (F.D.C. No. 45095. S. Nos. 7-298/300 R, 8-021/2 R.)

QUANTITY: 47 8-oz. btls. of *dusting powder*; 714 2-oz. jars of *cosmetic cream*; 110 boxes, 12 metal tubes each, of "Pink Lady" color *lipstick*; 56 boxes,