COSMETICS ACTIONABLE BECAUSE OF ADULTERATION WITH UNCERTIFIED COAL-TAR COLORS

232. Eye liner pencils, eye shadow, and mascara. (F.D.C. No. 46926. S. Nos. 95-003 R, 95-005 R, 95-010 R, 95-017/20 R, 95-221 R, 95-223 R, 95-225/7 R, 95-231/2 R, 95-234 R.)

QUANTITY: 276 *eye liner pencils*, 405 boxes of *eye shadow*, and 762 boxes of *mascara*, at Cleveland, Ohio.

SHIPPED: 3-11-61, from Paris, France, by Valdor Laboratoires.

LABEL IN PART: (Pencil) "Brun [or "Mauve"] Etincelle Eyeliner Made in France Arcancil Paris"; (ctn.) "Arcancil Paris 666 Eye Shadow – fard paupieres * * * Laboratoires Valdor Paris * * * Mauve [or "Turquoise" "Vert Nacre" "Vert" "Turquoise Nacre" or "Mauve Nacre"]" and "Arcancil 111 Paris * * * Fard Creme Auburn [or "Chataincolor" "Bruncolor" "Vert-Emeraude" "Noir-Andalou" "Violet-Opera] Laboratories Valdor Paris."

ACCOMPANYING LABELING: Leaflets entitled "Guitare Paris Beauty Hints Arcancil Paris."

RESULTS OF INVESTIGATION: Examination showed that the articles contained synthetic organic colors not listed for use in products to be applied to the area of the eye.

LIBELED: 2-6-62, N. Dist. Ohio.

CHARGE: 601(e)—when shipped, the articles contained synthetic organic colors 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: 3-31-62. Default—destruction.

COSMETICS ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS

233. Hair dressing. (F.D.C. No. 47128. S. No. 5-301 T.)

QUANTITY: 10,548 btls. at Clinton, Md., in possession of Francis Anthony Agresti, t/a Robin Sales Co.

SHIPPED: 1-31-62 and 2-2-62, from Philadelphia, Pa.

RESULTS OF INVESTIGATION: Some of the article was unlabeled and some bore the shipper's original labels. In the normal course of the dealer's business operations, the original label was removed and the bottles were relabeled with a counterfeit "Vitalis With V7" label. The dealer had on hand, quantities of "Vitalis With V7" labels and shipping cases with bottle dividers. The article was manufactured on the order of the dealer for the purpose of counterfeiting "Vitalis."

LIBELED: 2-8-62, Dist. Md.

CHARGE: 602(a)—while held for sale, the label designation "Vitalis With V7 * * * Bristol-Myers Co. New York, N.Y." was false and misleading as applied to the article which was not "Vitalis With V7" manufactured by Bristol-Myers Co.