

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