

**PRODUCT:** 35½ dozen bottles, 8-fluid ounce size, and 11½ dozen bottles, 16-fluid ounce size, of Olivo For Hair and Scalp at Norfolk, Va.

An examination of this product showed that it consisted essentially of alcohol, castor oil, and not more than a trace, if any, of olive oil.

**NATURE OF CHARGE:** Misbranding, Section 602 (a), the statement, "Olivo," borne on the labels of both sizes and on the bottle cap, and the statement, "Contains \* \* \* Olive Oil," borne on the label of the 16-fluid ounce size, were false and misleading as applied to an article containing not more than a trace, if any, of olive oil.

**DISPOSITION:** March 7, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**126. Misbranding of Olivo Hair Pomade. U. S. v. 69 Jars of Olivo Hair Pomade. Default decree of condemnation and destruction. (F. D. C. No. 17590. Sample No. 4367-H.)**

**LABEL FILED:** September 21, 1945, District of Delaware.

**ALLEGED SHIPMENT:** On or about August 24, 1945, by the Manufacturers Drug Distributing Co., Inc., from Philadelphia, Pa.

**PRODUCT:** 69 16-ounce jars of hair pomade at Wilmington, Del.

Examination showed that the article consisted of unsaponifiable oils and perfume, with not over ¼ percent, if any, of olive oil. The jars were short-weight.

**LABEL, IN PART:** "Net Contents 16 ozs. Olivo Hair Pomade \* \* \* Contains Petrolatum, Mineral Oil and Olive Oil."

**NATURE OF CHARGE:** Misbranding, Section 602 (a), the label statement, "Olivo \* \* \* Contains \* \* \* Olive Oil," was false and misleading as applied to an article containing not more than ¼ percent, if any, of olive oil; and, Section 602 (b) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents.

**DISPOSITION:** October 16, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**127. Misbranding of Eau de Quinine Compound Hair Lotion. U. S. v. 86 Bottles of Eau de Quinine Compound Hair Lotion. Default decree of condemnation and destruction. (F. D. C. No. 13083. Sample No. 52512-F.)**

**LABEL FILED:** August 1, 1944, District of Massachusetts.

**ALLEGED SHIPMENT:** On or about April 15, 1944, by Pinaud, Inc., from New York, N. Y.

**PRODUCT:** 86 bottles of hair lotion at Boston, Mass.

Examination showed that the product consisted essentially of water, alcohol, perfume, and a red coloring matter, together with not more than 0.02 percent of quinine.

**NATURE OF CHARGE:** Misbranding, Section 602 (a), the label designation of the article, "Eau de Quinine Compound Hair Lotion," was false and misleading since the article contained an inconsequential amount of quinine.

**DISPOSITION:** December 4, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**128. Misbranding of Eau de Quinine Compound Hair Lotion. U. S. v. 70 Bottles of Eau de Quinine Compound Hair Lotion. Default decree of condemnation and destruction. (F. D. C. No. 16443. Sample No. 5745-H.)**

**LABEL FILED:** June 15, 1945, Middle District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about April 20, 1945, by the Gladiator Supply Co., from New York, N. Y.

**PRODUCT:** 70 16-ounce bottles of hair lotion at Scranton, Pa.

Examination showed that the article consisted essentially of water, alcohol, perfume, and a red coloring matter, together with not more than 0.02 percent of quinine.

**LABEL, IN PART:** "Eau de Quinine Compound Hair Lotion \* \* \* Distributors Pinaud Inc. New York."

**NATURE OF CHARGE:** Misbranding, Section 602 (a), the label designation of the article, "Eau de Quinine Compound Hair Lotion," was false and misleading since the article contained an inconsequential amount of quinine.

**DISPOSITION:** September 18, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**129. Misbranding of Pom-Aid. U. S. v. 1,080 Jars of Pom-Aid. Default decree of condemnation and destruction.** (F. D. C. No. 17295. Sample No. 4335-H.)

**LIBEL FILED:** August 22, 1945, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about July 13, 1945, by the Aid Laboratories, from Camden, N. J.

**PRODUCT:** 1,080 jars of Pom-Aid at Philadelphia, Pa.

Analysis showed that the product contained not more than a trace, if any, of olive oil, and that it was short volume.

**LABEL, IN PART:** "Pom-Aid Contains 3% Olive Oil for the hair \* \* \* Contents 2 OZS."

**NATURE OF CHARGE:** Misbranding, Section 602 (a), the label statement, "Contains 3% Olive Oil," was false and misleading as applied to an article which contained not more than a trace, if any, of olive oil; and, Section 602 (b) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents.

**DISPOSITION:** September 12, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

### COSMETICS ACTIONABLE BECAUSE OF FAILURE TO BEAR MANDATORY LABELING\*

**130. Misbranding of unlabeled cosmetics. U. S. v. 600 Jars and 5,328 Jars of Unlabeled Cosmetics. Consent decree of condemnation. Products ordered released under bond.** (F. D. C. No. 16713. Sample Nos. 4165-H, 4167-H.)

**LIBEL FILED:** July 26, 1945, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** Between the approximate dates of January 26 and February 27, 1945, from Camden, N. J., by the Aid Laboratories.

**PRODUCT:** 600 12-ounce jars and 5,328 3-ounce jars of unlabeled cosmetics at Philadelphia, Pa. The cosmetics consisted of ointments perfumed with vanillin.

**NATURE OF CHARGE:** Misbranding, Section 602 (b), the articles failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor and an accurate statement of the quantity of the contents.

**DISPOSITION:** October 11, 1945. The Union Drug Co., Philadelphia, Pa., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the products were ordered released under bond for labeling under the supervision of the Federal Security Agency.

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\*See also Nos. 120, 126, 129.

<sup>1</sup> Contains opinions of the courts.