

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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PRODUCTS

	N. J. No.		N. J. No.
Alexandra de Markoff Cleansing Cream -----	119	tringent, Oleo-Stimulatum Ce- rate, and "Youth-Glow" Fin- ishing Lotion -----	122
Astringent -----	122	Kix Kinks—Hair Straiter -----	115
Deodorant -----	121	Lacquers, hair -----	116, 117
Eau de Quinine Compound Hair Lotion -----	127, 128	Locks-Up Hair Lacquer Pads -----	117
Eyelash and eyebrow dye..... ¹	113, 114	Miracle Aid for Wrinkles -----	123
Face creams and lotions... ¹	119, 120, 122	Nu-Charme Perfected Brow Tint... ¹	113, 114
Hair and scalp preparations... ¹	115-117, 125-129	Oatmeal flour -----	118
Hubere Hair Lacquer and Hair Lacquer Pads -----	116	Odo-ro-no -----	121
Jeunice "Brown Magic" Plastique Masque, Emulsion Luxury Cream, Line-No-More Treat- ment, Sensation Cocktail As-		Olivo for Hair and Scalp -----	125
		Olivo Hair Pomade -----	126
		Pom-Aid -----	129
		Presto for Blackheads -----	124
		Unlabeled cosmetics -----	130

*See also Nos. 120, 126, 129.

¹ Contains opinions of the courts.

FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

131-146

COSMETICS

The cases reported herewith were instituted in the United States district courts by the United States attorneys acting upon reports submitted by direction of the Federal Security Administrator.

WATSON B. MILLER, *Acting Administrator, Federal Security Agency.*

WASHINGTON, D. C., June 5, 1947.

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COSMETICS ACTIONABLE BECAUSE OF ADULTERATION WITH POISONOUS OR DELETERIOUS SUBSTANCES

131. Action to enjoin and restrain the interstate shipment of adulterated and misbranded coal-tar colors. U. S. v. Interstate Color Co., Inc., and Samuel H. Ebert. Consent decree granting injunction. (Inj. No. 68.)

COMPLAINT FILED: July 1, 1944, Southern District of New York, against the Interstate Color Co., Inc., New York, N. Y., and Samuel H. Ebert, president and treasurer of the corporation.

NATURE OF CHARGE: That since on or before May 11, 1943, the defendants had been introducing and delivering for introduction into interstate commerce quantities of *coal-tar colors* which were adulterated and misbranded in the following manner:

Adulteration, Section 601 (a), the articles were not hair dyes, and they contained a poisonous and deleterious substance, a dye, which may have rendered the articles injurious to users; and, Section 601 (e), they contained coal-tar colors other than from batches which had been certified in accordance with the regulations.

Misbranding, Section 602 (a), the labels bore false and misleading statements in that the colors contained in the articles were from and identical with batches certified in accordance with the regulations. The colors in the articles had been diluted by the addition of certain ingredients in an amount not to be found in the certified batches.

It was charged also that the defendants had been introducing and delivering for introduction into interstate commerce quantities of *coal-tar colors* which were adulterated and misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 1764.