

merce in violation of the Act and not to consignors of such goods, such as defendant.

"The judgment is affirmed."

The defendant filed before the Supreme Court of the United States a petition for a writ of certiorari, which was denied on January 12, 1948.

COSMETIC ACTIONABLE BECAUSE OF CONTAMINATION WITH FILTH

148. Adulteration of Elmo Special Nite Cream. U. S. v. 250 Cartons * * *.
(F. D. C. No. 23976. Sample No. 33313-K.)

LIBEL FILED: November 21, 1947, Northern District of California.

ALLEGED SHIPMENT: On or about July 3, 1947, by the Elmo Sales Corp., from Philadelphia, Pa.

PRODUCT: 250 cartons, each containing 12 6¼-ounce jars, of Elmo Special Nite Cream at San Francisco, Calif. Examination showed that the cartons were moldy and had a putrescent odor and that the same odor permeated the contents of the jars.

NATURE OF CHARGE: Adulteration, Section 601 (b), the article consisted in whole or in part of a filthy substance; and, Section 601 (c), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 5, 1948. Default decree of condemnation and destruction.

USE OR DISTRIBUTION OF UNCERTIFIED COAL-TAR COLORS

149. Adulteration of Tropical Sun Tan Oil. U. S. v. Park Drug Co., Inc., and Louis Klatzkie. Plea of guilty. Fines, \$750. (F. D. C. No. 20187. Sample Nos. 7835-H, 41801-H.)

INFORMATION FILED: December 26, 1946, Southern District of New York, against the Park Drug Co., Inc., and Louis Klatzkie.

ALLEGED SHIPMENT: July 30 and August 22, 1945, from the State of New York into the States of New Jersey and Virginia.

LABEL, IN PART: "Tropical Sun Tan Oil * * * Distributed by Park Laboratories, New York, N. Y."

NATURE OF CHARGE: Adulteration, Section 601 (e), the article was not a hair dye and contained coal-tar colors, Butter Yellow (Colour Index No. 19) and Sudan IV (Colour Index No. 258), which have not been listed for use in cosmetics in accordance with the regulations and were other than colors from batches that had been certified.

DISPOSITION: January 24, 1947. Pleas of guilty having been entered, fines of \$500 and \$250 were imposed against the corporation and Louis Klatzkie, respectively.

150. Adulteration of coal-tar color. U. S. v. Evergreen Chemical Co., Inc., and Arthur M. Strang. Pleas of guilty. Fine of \$300 against corporation. Imposition of sentence against individual was suspended, and he was placed on probation for 10 days. (F. D. C. No. 20205. Sample No. 10293-H.)

INFORMATION FILED: November 25, 1946, Southern District of New York, against the Evergreen Chemical Co., Inc., New York, N. Y., and Arthur M. Strang, secretary.

Between the dates of June 19, 1942, and March 15, 1945, the defendant mixed a quantity of Tartrazine (FD&C Yellow No. 5) and Guinea Green B (FD&C Green No. 1), coal-tar colors, and shipped in interstate commerce the colors so mixed, on or about March 15, 1945.

LABEL, IN PART: "Liquid Evergreen 'C' Certified Color For Foods, Drugs and Cosmetics * * * Lot #B-992."

NATURE OF CHARGE: Section 301 (i), the defendant, by designating the coal-tar color as hereinbefore indicated, falsely represented and without proper authority, used an identification device authorized and required by regulations; and, Section 601 (e), the article was not a hair dye, and it contained a coal-tar color other than one from a batch that had been certified in accordance with the regulations.

DISPOSITION: December 10, 1946. Pleas of guilty having been entered on behalf of both defendants, the court imposed a fine of \$150 on each count against the corporation, a total fine of \$300; imposition of sentence against the individual