

correctly states the law. The test is whether or not the public is misled or likely to be misled by this name. The goods are misbranded if they bear any statement which would deceive or mislead any purchasers who are of normal capacity and use that capacity in a common sense way.—That is the test and whether there may be any or few so deceived is not material.”

On January 23, 1947, the jury returned a verdict of not guilty.

153. Misbranding of Lustray Egg Shampoo. U. S. v. 77 Bottles * * *. (F. D. C. No. 24351. Sample No. 9163-K.)

LIBEL FILED: On February 17, 1948, Southern District of New York.

ALLEGED SHIPMENT: On or about January 7, 1948, by the J. H. Shufford Beauty & Barber Supply Co., from Richmond, Va. This was a return shipment.

PRODUCT: 77 1-quart bottles of Lustray Egg Shampoo at New York, N. Y. Examination showed that the product was a perfumed, yellow-colored, soapy liquid containing not more than a trace, if any, of egg.

LABEL, IN PART: “Lustray Egg Shampoo Mfd. By Lustray Laboratories Inc., New York, N. Y.”

NATURE OF CHARGE: Misbranding, Section 602 (a), the label statements “Egg Shampoo * * * Contains Real Egg * * * The real egg in this shampoo does wonders for your hair. Egg Shampoo in highly concentrated form” were false and misleading as applied to an article which did not contain more than a trace, if any, of egg; and, Section 602 (b) (2), the label of the article failed to bear an accurate statement of the quantity of the contents.

DISPOSITION: March 18, 1948. Default decree of condemnation. The product was ordered delivered to a charitable organization.

154. Misbranding of Rayve Egg Fluff Shampoo. U. S. v. 270 Cartons * * *. (F. D. C. No. 23880. Sample No. 9142-K.)

LIBEL FILED: On or about October 30, 1947, Southern District of New York.

ALLEGED SHIPMENT: On or about May 15 and 16, 1947, by Raymond Laboratories, Inc., from St. Paul, Minn.

PRODUCT: 270 cartons, each containing 12 8-ounce bottles, of Rayve Egg Fluff Shampoo at New York, N. Y. Analysis showed that the product contained not more than one percent of whole egg solids. The whole 8-ounce bottle contained approximately one-fifth of one egg.

LABEL, IN PART: “Rayve Egg Fluff Shampoo.”

NATURE OF CHARGE: Misbranding, Section 602 (a), the label statements “Egg Fluff Shampoo * * * enriched with egg * * * contains dehydrated egg” were false and misleading as applied to a product which contained an insignificant amount of egg.

DISPOSITION: December 8, 1947. Default decree of condemnation. The product was ordered delivered to charitable organizations.

155. Misbranding of Richard Hudnut Egg Creme Shampoo. U. S. v. 6 Dozen Bottles * * *. (F. D. C. No. 23878. Sample No. 8013-K.)

LIBEL FILED: October 31, 1947, District of Connecticut.

ALLEGED SHIPMENT: On or about September 12 and 15, 1947, by the Hudnut Sales Co., Inc., from New York, N. Y.

PRODUCT: 6 dozen 8-ounce bottles of Richard Hudnut Egg Creme Shampoo at Hartford, Conn. Analysis showed that the product contained not more than 0.3 percent of whole egg solids, equivalent to about 1/20 of an egg in the 8-ounce bottle.

LABEL, IN PART: “Richard Hudnut Egg Creme Shampoo.”

NATURE OF CHARGE: Misbranding, Section 602 (a), the label statement “Egg Creme Shampoo” was false and misleading as applied to a product which contained an insignificant amount of egg.

DISPOSITION: December 16, 1947. Default decree of condemnation. The product was ordered distributed to charitable institutions.

156. Misbranding of Bonat Cream Shampoo (liquid and paste). U. S. v. 11 Bottles, etc. (F. D. C. No. 24348. Sample Nos. 9161-K, 9162-K.)

LIBEL FILED: February 13, 1948, District of New Jersey.