

**NATURE OF CHARGE:** Adulteration, Section 601 (e), the products were not hair dyes and bore and contained coal-tar colors other than ones from batches that had been certified in accordance with the regulations.

Misbranding, Section 602 (a), the statements "Not less than 92% Pure Coal Tar Dye" and "Part of Certified Lot No. B-3438" borne on the label of a portion of the product were false and misleading in that they represented and suggested that the product contained 92 percent of pure coal-tar dye and that it was a coal-tar color from a batch that had been certified and assigned lot No. B-3438, in accordance with the coal-tar dye regulations, whereas it did not contain 92 percent of a pure coal-tar dye but did contain a smaller amount, and it did not consist of a coal-tar color from a batch that had been certified pursuant to the regulations and assigned lot No. B-3438. The information charged also that the defendants falsely represented and without proper authority used marks and identification devices authorized and required by the regulations, in that the marks and identification devices "Lot No. B-3438" and "Lot No. B-6088" displayed upon the cans were marks and identification devices assigned to other firms for use on batches of certified coal-tar colors which contained 92 percent and 88 percent, respectively, of pure dyes, and were composed of FD&C Yellow No. 1 and FD&C Blue No. 1, respectively, whereas they were not from such batches of coal-tar colors but were uncertified coal-tar colors of a different composition.

**DISPOSITION:** May 6, 1946. A plea of guilty having been entered, the court imposed a fine of \$500.

### COSMETIC ACTIONABLE BECAUSE OF FAILURE TO BEAR MANDATORY LABELING

**195. Misbranding of hydrogen peroxide. U. S. v. 8 Cases \* \* \*. (F. D. C. No. 31192. Sample No. 18194-L.)**

**LABEL FILED:** June 14, 1951, District of Arizona.

**ALLEGED SHIPMENT:** On or about February 9 and April 4, 1951, by the Monarch Products Co., from Maywood, Calif.

**PRODUCT:** 8 cases, each containing 36 bottles, of hydrogen peroxide at Phoenix, Ariz.

**LABEL, IN PART:** (Bottle) "Hydrogen Peroxide 20 Volume Professional \* \* \* For Hair Bleaching \* \* \* 4 Fl. Oz."

**NATURE OF CHARGE:** Misbranding, Section 602 (b) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents. (The article was short of the declared volume.)

**DISPOSITION:** August 7, 1951. Default decree of condemnation and destruction.

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#### PRODUCTS

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# 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]

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### COSMETICS

The case reported herewith was instituted in a United States district court by a United States attorney, acting upon a report submitted by the Federal Security Agency. Published by direction of the Federal Security Administrator.

CHARLES W. CRAWFORD, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., *January 14, 1953.*

### COSMETIC ACTIONABLE BECAUSE OF ADULTERATION WITH POISONOUS OR DELETERIOUS SUBSTANCES

**196. Adulteration of Purity Cross dandruff treatment shampoo. U. S. v. 69 Cases, etc.** (F. D. C. No. 31608. Sample No. 3480-L.)

**LIBEL FILED:** August 9, 1951, Eastern District of North Carolina; amended September 20, 1951.

**ALLEGED SHIPMENT:** On or about June 25 and July 9, 1951, by Fairfield Laboratories, Inc., from Plainfield, N. J.

**PRODUCT:** 69 cases, each containing 4 1-gallon bottles, 99 cases, each containing 6 1-pint bottles, and 239 cases, each containing 12 8-ounce bottles, of Purity Cross dandruff treatment shampoo at Wilson, N. C.

Pharmacological tests revealed that the article was exceedingly irritating to the eyes and was capable of causing a semipermanent type of damage.

**LABEL, IN PART:** (Bottle) "Purity Cross dandruff treatment Shampoo Contains No Soap or Alcohol Contains Rodium Directions Use weekly as regular shampoo. For stubborn dandruff, apply to dry scalp and use with towel for 3 to 5 minutes. Then rinse. Repeat treatment weekly until dandruff is controlled; then use as a regular shampoo. Caution: Avoid getting in eyes. If accidentally introduced, bathe eyes repeatedly with clear water."

**NATURE OF CHARGE:** Adulteration, Section 601 (a), the article contained deleterious substances, lauryl isoquinolinium bromide and a polyoxyethylene compound detergent, which may have rendered it injurious to users under the conditions of use prescribed in its labeling and under such conditions of use as are customary or usual.

**DISPOSITION:** January 11, 1952. Purity Cross Products, Inc., Wilson, N. C., claimant, having intervened and filed an answer and subsequently having withdrawn the answer, judgment of condemnation was entered and the court ordered that the product be destroyed.