

COSMETICS ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS

197. Misbranding of toilet lanolin. U. S. v. 564 Tubes * * *. (F. D. C. No. 34587. Sample No. 54760-L.)

LIBEL FILED: February 10, 1953, Eastern District of Michigan; amended libel filed on or about February 18, 1953.

ALLEGED SHIPMENT: On or about December 5, 1952, by the American Pharmaceutical Co., Inc., from New York, N. Y.

PRODUCT: 564 cartoned tubes of toilet lanolin at Detroit, Mich. Examination of the product showed that it was a cream-colored, perfumed semisolid consisting principally of lanolin, water, and zinc oxide.

LABEL, IN PART: "APC—One Ounce Toilet Lanolin Beautifies, Soothes, Protects the Skin."

NATURE OF CHARGE: Misbranding, Section 602 (a), the label statement "Toilet Lanolin" was false and misleading since the article was not lanolin but was a mixture of lanolin with other ingredients.

DISPOSITION: March 11, 1953. Default decree of condemnation and destruction. On March 27, 1953, an amended decree was entered providing for the delivery of the product to a Federal institution for its use.

198. Misbranding of toilet lanolin. U. S. v. 31 Dozen Tubes * * *. (F. D. C. No. 33315. Sample No. 23491-L.)

LIBEL FILED: July 1, 1952, Eastern District of New York.

ALLEGED SHIPMENT: On or about May 8, 1952, by VCA Laboratories, from Newark, N. J.

PRODUCT: 31 dozen tubes of toilet lanolin at Brooklyn, N. Y.

LABEL, IN PART: (Tube) "Harco One Ounce Toilet Lanolin * * * Harco Pharmaceutical Corporation * * * Newark New Jersey."

NATURE OF CHARGE: Misbranding, Section 602 (a), the labeling of the article contained statements which represented and suggested that the article was lanolin, which statements were false and misleading since the article was not lanolin but was a mixture of lanolin with other ingredients.

DISPOSITION: June 9, 1953. Default decree of condemnation. The court ordered that the product be delivered to charitable institutions.

199. Misbranding of eyelash ointment. U. S. v. 11½ Cartons, etc. (F. D. C. No. 34193. Sample Nos. 39867-L, 39884-L.)

LIBEL FILED: November 5, 1952, Southern District of California.

ALLEGED SHIPMENT: On or about August 30 and October 6, 1952, by Wallace and Associates, Inc., from Phoenix, Ariz.

PRODUCT: Eyelash ointment. 11½ cartons of clear ointment and 15½ cartons of dark ointment at Los Angeles, Calif., together with a number of leaflets enclosed in the cartons and entitled "For Beautiful Eyelashes 'I Do' the Eye do of the Stars." Each full carton contained 12 ½-ounce jars.

LABEL, IN PART: "I Do the Eye do of the Stars."

NATURE OF CHARGE: Misbranding, Section 602 (a), the labeling of the article, namely, the jar labels and the leaflets, contained statements which represented and suggested that the article was effective for improving the growth, structure,