

LIBELED: 4-16-62, 3-21-62; E. Dist. Mich., E. Dist. Va.

CHARGE: 602(a)—when shipped, the bottle label of the article was false and misleading in its entirety as applied to a product which purported to be "Vitalis" manufactured by Bristol-Myers Co., New York, N.Y., but which was a counterfeit, bearing counterfeit "Vitalis" labels.

DISPOSITION: 6-29-62; 4-24-62. Default—9 cases delivered to a charitable corporation for use and not for resale; remainder destroyed.

**COSMETICS ACTIONABLE BECAUSE OF INCONSPICUOUSNESS OF
REQUIRED LABEL INFORMATION**

240. Kings Men deodorant. (F.D.C. No. 47792. S. No. 64-871 T, 64-876 T.)

QUANTITY: 313 cases, each containing 6 btls. and 12 2½-oz. tubes, at Vernon, Calif.

SHIPPED: 5-8-62 and 6-1-62, from Franklin Park, Ill., by Helene Curtis Industries, Inc.

LABEL IN PART: (Tube) "Kings Men Stick Deodorant * * * Dist. by Kings Men Chicago."

ACCOMPANYING LABELING: Shelf display stand reading, in part, "Kings Men Stick or Spray Active Deodorant Protection."

LIBELED: 7-3-62, S. Dist. Calif.

RESULTS OF INVESTIGATION: Some of the labeling of the article consisted of printed matter formed in the plastic material of the recessed base of the container in a noncontrasting color, which labeling was inconspicuous at time of purchase and during use of the article.

CHARGE: 602(c)—when shipped, the information required to appear on the label under 602(b) (1) and (2), namely, the name and place of business of the manufacturer, packer, or distributor and the quantity of contents, was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: 10-24-62. Consent—claimed by Helene Curtis Industries, Inc., Chicago, Ill., and relabeled.

241. Deodorant stick. (F.D.C. No. 47173. S. No. 7-386 T.)

QUANTITY: 135 ctns., each containing 120 plastic tubes, at East Hartford, Conn.

SHIPPED: Between 9-1-61 and 1-23-62, from Albany, N.Y., by Mohawk Brush Co., subsidiary of Fuller Brush Co.

LABEL IN PART: (Tube) "Deodorant Stick House of Fuller."

RESULTS OF INVESTIGATION: Some of the labeling of the article consisted of printed matter formed in the plastic material of the container and was of the same color. It was formed into the plastic base by which the deodorant stick was pushed out of the container during use. The size of the printing, the lack of contrasting color, and the location of the label inside the container contributed to the inconspicuousness of this label during use.

LIBELED: 3-2-62, Dist. Conn.

CHARGE: 602(c)—when shipped, the information required to appear on the label under 602(b) (1) and (2), namely, the name and place of business of the