

RESULTS OF INVESTIGATION: The article was a counterfeit of "Vitalis With V7," bearing a counterfeit "Vitalis With V7" label. Analysis showed that the article contained a coal-tar color, namely, FD&C Yellow No. 5, which was not contained in the authentic "Vitalis With V7." The article had been manufactured to the order of the shipper.

LIBELED: 3-12-62, S. Dist. N.Y.

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 With V7" manufactured by Bristol-Myers Co., New York, N.Y., but which was a counterfeit of "Vitalis With V7," bearing counterfeit "Vitalis With V7" labels.

DISPOSITION: On or about 4-3-62. Default—destruction.

254. Ex-Cel-Cis Foot-Eze, Ex-Cel-Cis Milk White cleanser, and Ex-Cel-Cis Magic Youth crystals, lotion, and cream. (F.D.C. No. 48821. S. Nos. 22-644 V, 22-646/7 V.)

QUANTITY: 13 8-oz. btls. of *Foot-Eze*; 56 1½-oz. btls. of cream; 3 ctns., each containing 12 4-oz. btls. of cleanser; 2 ctns., each containing 6 1-oz. btls. of crystals; and 4 ctns. of Ex-Cel-Cis 3 Star Magic Youth Set, each ctn. containing 1 btl., each, of cream, cleanser, crystals, and lotion, at Lakewood, Colo.

SHIPPED: Between 12-9-61 and 2-27-62, from Salt Lake City, Utah, by Ex-Cel-Cis Beauty Products Co., Inc.

LABEL IN PART: (Btl.) "Foot-Eze * * * Ex-Cel-Cis, Inc., Distr.," (btl.) "Milk White Cleanser Ex-Cel-Cis, Inc., Distr.," and (btls.) "Magic Youth Cream [or "Crystals" or "Roll-Off Lotion"] Ex-Cel-Cis, Inc., Distr."

ACCOMPANYING LABELING: Leaflets entitled "Stay Young and Gay The Ex-Cel-Cis Way" and "Ex-Cel-Cis Cosmetics of Distinction in Living Color."

RESULTS OF INVESTIGATION: Examination showed that the *Magic Youth cream* was a cream-colored semisolid having an oily texture and perfumed odor; that the *Milk White cleanser* and the *Roll-Off lotion* were white liquids having an oily texture and perfumed odor; that *Magic Youth crystals* was a pink, homogeneous, granular material having a perfumed odor; and that the *Foot-Eze* was an amber, transparent, oily liquid having an odor of camphor and ammonia.

LIBELED: 3-26-63, Dist. Colo.

CHARGE: 602(a)—when shipped, the label of the *Foot-Eze* contained false and misleading representations that the article was adequate and effective for preventing foot odor and as a treatment for athlete's foot; and 602(a)—the labeling of the other articles contained false and misleading representations that the articles were adequate and effective for rejuvenating the facial appearance by erasing wrinkles due to aging, and as a treatment for teen-age acne, skin blemishes, blackheads, whiteheads, and skin discoloration.

DISPOSITION: 5-29-63. Default—destruction.

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

255. 5 Day stick deodorant. (F.D.C. No. 48749. S. No. 13-870 V.)

QUANTITY: 84 2¼-oz. btls., at Milwaukee, Wis.

*See also No. 244.