DRUGS ACTIONABLE BECAUSE OF THE PRESENCE OF NONCERTIFIED COAL-TAR COLORS

1764. Action to enjoin and restrain the interstate shipment of adulterated and misbranded coal-tar colors. U. S. v. Interstate Color Co., Inc., and Samuel H. Ebert. Consent decree granting injunction. (Inj. No. 68.)

COMPLAINT FILED: July 1, 1944, Southern District of New York, against the Interstate Color Co., Inc., New York, N. Y., and Samuel H. Ebert, president and treasurer of the corporation.

NATURE OF CHARGE: That since on or before May 11, 1943, the defendants had been introducing and delivering for introduction into interstate commerce quantities of *coal-tar colors* which were adulterated and misbranded in the following manner:

Adulteration, Section 501 (a) (4), the articles bore and contained, for purposes of coloring only, coal-tar colors from a batch other than one certified in accordance with the regulations.

Misbranding, Section 502 (a), the labels of the articles bore false and misleading statements.

It was also charged that the defendants had been introducing and delivering for introduction into interstate commerce quantities of coal-tar colors which were adulterated and misbranded under the provisions of the law applicable to cosmetics, as reported in notices of judgment on cosmetics.

PRAYER OF COMPLAINT: That the defendants be permanently enjoined and restrained from commission of the acts complained of.

DISPOSITION: January 4, 1945. The defendants having consented to the entry of a decree, the court issued an order enjoining them from introducing or delivering for introduction into interstate commerce any adulterated and misbranded drugs or cosmetics including colors consisting in whole or in part of Oil Yellow F. N., Colour Index No. 19, or Oil Yellow C., Colour Index No. 17, and all mixtures or combinations purporting to be certified mixtures which contain Croceine Orange, Colour Index No. 26. It was provided, however, that the order should not apply to the shipment of those colors for use other than as drugs or cosmetics.

1765. Adulteration of color. U. S. v. 1 Can of Color. Default decree of condemnation and destruction. (F. D. C. No. 16319. Sample No. 106-H.)

LIBEL FILED: June 5, 1945, Southern District of Florida.

ALLEGED SHIPMENT: On or about November 14, 1941, from Charlotte, N. C., by the National Aniline Division, Allied Chemical and Dye Corporation.

PRODUCT: 1 can containing approximately 2½ pounds of *color* at Tampa, Fla.

Examination showed that the product contained D&C Green No. 6 and Butter Yellow, Colour Index No. 17, the latter being a dye which cannot be certified for use in foods, drugs, or cosmetics, and which possesses carcinogenic properties.

LABEL, IN PART: "Natl Oil Green M-255."

NATURE OF CHARGE: Adulteration, Section 501 (a) (4), the product bore and contained, for purposes of coloring only, a coal-tar color, Butter Yellow, Colour Index No. 17, which had not been listed for use in drugs in accordance with the regulations and was other than one from a batch that had been certified.

DISPOSITION: July 14, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

DRUGS AND DEVICES ACTIONABLE BECAUSE OF DEVIATION FROM OFFICIAL OR OWN STANDARDS*

1766. Adulteration and misbranding of Tossebeone. U. S. v. E. Tosse & Co., Inc. Plea of guilty. Fine, $100. (F. D. C. No. 14302. Sample No. 35056-F.)

INFORMATION FILED: June 11, 1945, Eastern District of New York, against E. Tosse & Co., Inc., Brooklyn, N. Y.

ALLEGED SHIPMENT: On or about March 28, 1944, from the State of New York into the State of Georgia.

NATURE OF CHARGE: Adulteration, Section 501 (c), the strength of the article differed from and its quality fell below that which it was represented to possess,

*See also No. 1751.