27. Misbranding of deodorant cream. U. S. v. 47½ Dozen Packages of Yodora Deodorant Cream. Consent decree of condemnation. Product released under bond for relabeling and repackaging. (F. D. C. No. 872. Sample No. 82441–D.)

The containers of this product were deceptive, examination having shown that the tubes occupied less than one-fourth of the capacity of the cartons.

On November 6, 1939, the United States attorney for the Northern District of Georgia filed a libel against 47½ dozen packages of Yodora Deodorant Cream at Atlanta, Ga.; alleging that the article had been shipped in interstate commerce on or about October 10, 1939, by William J. Wardell, trustee for the estate of McKesson & Robbins, Inc., from Bridgeport, Conn.; and charging that it was misbranded in that its containers were so made, formed, or filled as to be misleading.

On November 25, 1939, the shipper having appeared as claimant and having consented to the entry of a decree, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be relabeled and repackaged under the supervision of this Department.

FACE AND TALCUM POWDERS

28. Misbranding of face powder. U. S. v. 108 Boxes of Evening in Paris Face Powder. Default decree of condemnation and destruction. (F. D. C. No. 304. Sample No. 45573–D.)

The container of this product was so made, formed, and filled as to be misleading since, by reason of excessive headspace and a recess in the bottom, it contained about one-third the amount of powder indicated by its outward appearance.

On July 20, 1939, the United States attorney for the Northern District of Georgia filed a libel against 108 boxes of Evening in Paris Face Powder at Atlanta, Ga.; alleging that the article had been shipped in interstate commerce on or about July 6, 1939, by the G. W. Button Corporation from New York, N. Y.; and charging that it was misbranded. It was labeled in part: "Packed by Crillon Sales Co., N. Y. C., Authorized Distributor."

On September 9, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

29. Misbranding of face powder. U. S. v. 708 Boxes of Max Factor's Face Powder. Default decree of condemnation and destruction. (F. D. C. No. 268. Sample No. 65716–D.)

The container of this product was so made, formed, and filled as to be misleading since, by reason of excessive headspace and a recess in the bottom, it contained about one-third the amount of powder indicated by its outward appearance.

On July 10, 1939, the United States attorney for the Northern District of Georgia filed a libel against 708 boxes of Max Factor's Face Powder at Rome, Ga.; alleging that the article had been shipped in interstate commerce on or about June 26, 1939, by the Chelsea Drug Sundries Co. from New York, N. Y.; and charging that it was misbranded. It was labeled in part: "Max Factor's Face Powder Repacked by Premier Laboratories, Inc. Wholly independent of Max Factor."

On August 9, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

30. Misbranding of talcum powder. U. S. v. 45 Dozen Cans of Talcum Powder. Default decree of condemnation and destruction. (F. D. C. No. 656. Sample No. 47919–D.)

The containers of this product were deceptive, examination having shown that they could easily hold an additional ounce of talcum powder.

On September 28, 1939, the United States attorney for the District of Maryland filed a libel against 45 dozen cans of talcum powder at Baltimore, Md.; alleging that the article had been shipped in interstate commerce on or about August 8, 1939, by Talcum Puff Co. from New York, N. Y.; and charging that it was misbranded in that its containers were so made, formed, or filled as to be misleading.

Portions of the article were labeled in part: "White Swan [or "Showers of Flowers"] Mirador Perfume Co. New York—Jacksonville, Fla. Toronto Av. net wt. 6 ozs." The remainder was labeled in part: "Sweet Pea [or "Lily of the Valley"] Talcum Puff Co. New York * * * Av. net wt. 6 ozs."

On October 21, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.