

state commerce on or about October 27 and November 16, 1939, and June 15, 1940, by the Louise Norris Co. from Kansas City, Mo.; and charging that it was adulterated and misbranded.

It was alleged to be adulterated in that it contained a poisonous or deleterious substance, namely 2,5 toluylenediamine, which might have rendered it injurious to users under the conditions of use prescribed in the labeling or under such conditions of use as are customary or usual. It was alleged to be adulterated further in that it contained a coal-tar color, namely, 2,5 toluylenediamine, which was not from a batch that had been certified in accordance with the regulations provided by law.

The article was alleged to be misbranded in that the following statements were false and misleading when applied to an article which might be dangerous when used under the conditions prescribed in the labeling: (Unit carton and bottle "A" label) "Louise Norris Lash & Brow Coloring": (Formula No. 2 bottle label) "Protecto"; and (directions circular) "Louise Norris Patented Method of Coloring Eyelashes and Brows."

On January 28, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HAIR AND SCALP PREPARATIONS

60. Misbranding of Odell's Quinine for the Hair. U. S. v. 140 Bottles of Odell's Quinine for the Hair. Default decree of condemnation and destruction. (F. D. C. 3609. Sample No. 24831-E.)

This product was represented to be a quinine preparation, whereas it contained no quinine. Its labeling also bore false and misleading representations regarding its efficacy as indicated below.

On December 30, 1940, the United States attorney for the Eastern District of Pennsylvania filed a libel against 140 bottles of Odell's Quinine for the Hair at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about November 19, 1940, by the Odell Co. from Newark, N. J.; and charging that it was misbranded.

Analysis showed that the article consisted essentially of water, alcohol, extracts of plant materials including brucine, and perfuming materials.

Misbranding was alleged in that the statements "Quinine * * * Stimulating * * * Essential to healthy hair," borne on the bottle label, were false and misleading in that they were incorrect.

The article was also alleged to be misbranded under the provisions of the law applicable to drugs, as reported in notice of judgment D. D. No. 297.

On January 22, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

61. Misbranding of La-Nu Hair and Scalp Vitalizer. U. S. v. 429 Large and 429 Small Jars of La-Nu. Default decree of condemnation and destruction. (F. D. C. No. 3913. Sample Nos. 31323-E, 31324-E.)

The label of this product bore false and misleading representations regarding its efficacy in the conditions indicated below. The label on the small jars also failed to bear an accurate statement of the quantity of the contents, which, because of the exceptional thickness of the glass and the manner in which the container was made, was very much less than was indicated by the outward appearance of the container.

On March 4, 1941, the United States attorney for the Western District of Michigan filed a libel against 858 jars of La-Nu Hair and Scalp Vitalizer at Grand Rapids, Mich., alleging that the article had been shipped on or about January 20 and February 3, 1941, from Philadelphia, Pa., by the La-Nu Distributing Co.; and charging that it was misbranded.

Analysis of a sample of the article showed that it consisted essentially of ammoniated mercury, boric acid, eucalyptus oil, and lanolin.

The article was alleged to be misbranded in that the following statements, appearing in the labeling, were false and misleading since it was not efficacious for the purposes recommended: (Top of large jar) "Hair and Scalp Vitalizer"; (label on large jar) "Recommended as an aid in the relief of * * * Alopecia Ring Worms * * * and Falling Hair"; and (label on small jar) "Recommended for dandruff alopecia and ring worm * * * falling hair."

The portion of the product contained in the small jars was alleged to be misbranded further in that the label failed to bear an accurate statement of the

quantity of contents; and in that its container was so made, formed, or filled as to be misleading.

On April 4, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

62. Misbranding of Glo-Co Hair Groom for Men. U. S. v. 131 3-Fluid-Ounce Packages and 8 6-Fluid-Ounce Packages of Glo-Co Hair Groom for Men. Default decree of condemnation and destruction. (F. D. C. No. 3368. Sample No. 6557-E.)

The labeling of this product bore false and misleading representations regarding its efficacy in the conditions indicated below. The quantity of contents statement was in fine print and inconspicuous, and each of the cartons of both sizes was much larger than would have been necessary to hold the bottle which it contained.

On November 14, 1940, the United States attorney for the District of Colorado filed a libel against 131 3-fluid-ounce packages and 8 6-fluid-ounce packages of the above-named product at Denver, Colo., which had been consigned by the Glo-Co Co., alleging that the article had been shipped in interstate commerce on or about August 19, 1940, from Los Angeles, Calif.; and charging that it was misbranded.

Analysis showed that the article consisted essentially of alcohol and castor oil, together with perfumed materials.

The article was alleged to be misbranded in that the following statements appearing in the labeling created a false and misleading impression regarding its value: (Carton) "Glo-Co is made with pure vegetable oils scientifically balanced so as to approximate the oils nature provides the normal scalp and hair"; (circular) "Keep Hair On Your Head Properly Groomed This Simple Glo-Co Way * * * Healthy hair, luxurious in growth, and lustrous with the glow of vitality * * * It's all a matter of simple care and grooming. Neglect may lead to baldness; carelessness will lead to trouble. Your hair is part of the body and requires proper cleansing and grooming. * * * A healthy growth of hair requires a clean, healthy scalp. So choose a hair aid that * * * tones the scalp, * * * Before It's Too Late Keep scalp * * * nourished * * * Dandruff is not to be confused with normal condition of scalp flaking and scale accumulation. This condition should be cared for with frequent cleansing with Glo-Co. Infectious dandruff is an organic disorder that requires your physician's care. Oily or Dry Hair is due to improper functioning of sebaceous glands. Cleansing with Glo-Co Hair Groom is the first step that helps to restore sebaceous glands to normal action, normalizing excess dryness or oiliness. Falling Hair and Thinning Hair. If due to organic disorder, consult your physician. Ordinarily it is due to lack of care in keeping scalp clean and properly nourished. Glo-Co hair groom contains pure vegetable oils that blend with the natural oils of the scalp, to overcome ordinary hair and scalp troubles."

The article was alleged to be misbranded further in that the statement of the quantity of contents appeared in fine print and was not prominently placed upon the carton with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use. It was alleged to be misbranded further in that the containers were so made, formed, or filled as to be misleading.

On January 3, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

63. Adulteration of brilliantine and skin cream; adulteration and misbranding of hair dressing. U. S. v. 30 Bottles of Brilliantine, et al. Default decrees of condemnation and destruction. (F. D. C. Nos. 3222, 3340. Sample Nos. 34522-E, 34525-E, 36453-E.)

Examination of these products disclosed the presence of hairs, insect fragments, splinters, and nondescript dirt. One product was also short of the declared weight.

On October 15 and November 5, 1940, the United States attorneys for the District of New Jersey and the District of Massachusetts filed libels against 30 bottles of brilliantine and 39 jars of Spark'l Medicated Skin Cream at Newark, N. J.; and 348 bottles of Paulette Hair Dressing at Boston, Mass., alleging that the articles had been shipped by the Spark'l Co. from Brooklyn, N. Y., within the period from on or about January 24 to on or about September