COSMETICS, MISBRANDED (ON ACCOUNT OF DECEPTIVE CONTAINERS OR WEIGHT SHORTAGE)[1]

HAIR AND SCALP PREPARATIONS

66. Misbranding of Parisian Style Saje. U. S. v. 9 Dozen Bottles of Parisian Style Saje. Default decree of condemnation and destruction. (F. D. C. No. 3217. Sample No. 4575–E.)

This hair tonic was deceptively packaged in that the bottle had been placed in a carton that was twice as large as would have been necessary to hold it.

On or about October 23, 1940, the United States attorney for the Northern District of Illinois filed a libel against 9 dozen bottles of Parisian Style Saje at Chicago, Ill., alleging that the article had been shipped by Giroux Manufacturing Co. from Buffalo, N. Y., on or about March 29, 1940; and charging that it was misbranded in that its container was so made, formed, or filled as to be misleading.

The article was also alleged to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices.

On January 23, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

67. Misbranding of Kotalko. U. S. v. 59½ Dozen Packages of Kotalko. Default decree of condemnation and destruction. (F. D. C. No. 1672. Sample No. 10461–E.)

The box containing this product occupied not more than 20.7 percent of the capacity of the carton, which was sufficiently large to hold two of the boxes. The boxes also contained less than the weight declared on the label.

On March 21, 1940, the United States attorney for the District of New Jersey filed a libel against 59½ dozen packages of Kotalko at Jersey City, N. J., alleging that the article had been shipped in interstate commerce on or about February 20, 1940, by the Kotalko Sales Co. from New York, N. Y.; and charging that it was misbranded. The article was labeled in part: "For the Scalp Kotalko For the Hair."

The article was alleged to be misbranded in that the statements "Net Weight ¾ Oz." and "Net Weight 25 gm." were not accurate statements of the quantity of the contents, since the package contained a smaller amount. It was alleged to be misbranded further in that its container was so made, formed, or filled as to be misleading.

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. 315.

On January 31, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

MISCELLANEOUS

68. Misbranding of dusting powder. U. S. v. 59 Dozen Boxes of Jasmine Dusting Powder. Default decree of condemnation and destruction. (F. D. C. No. 3720. Sample No. 55732–E.)

The boxes containing this product were filled to only about 62 percent of their capacity.

On January 29, 1941, the United States attorney for the District of Oregon filed a libel against 59 dozen boxes of a product labeled "Jasmine Dusting Powder by Amore," at Portland, Oreg., alleging that it had been shipped on or about November 28, 1940, by the Howe Co., Inc., from Seattle, Wash.; and charging that it was misbranded in that its containers were so made, formed, or filled as to be misleading.

On March 10, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

69. Misbranding of Phillips Milk of Magnesia Cleansing Cream. U. S. v. 36 Cases of Phillips Milk of Magnesia Cleansing Cream. Consent decree of condemnation. Product delivered to a public institution. (F. D. C. No. 2001. Sample No. 33124–E.)

This product was contained in jars cylindrical in shape and made of white opal glass, with slightly convex metal screw caps and slightly concave bottoms.

[1] See also Nos. 61–63.