COSMETIC ACTIONABLE BECAUSE OF CONTAMINATION WITH FILTH

118. Adulteration of oatmeal flour. U. S. v. 120 Unlabeled Bags of Oatmeal Flour. Default decree of condemnation. Product ordered delivered to a public institution, for use as hog feed. (F. D. C. No. 16314. Sample Nos. 6600–H, 7022–H.)

LIBEL FILED: June 1, 1945, District of New Jersey.

ALLEGED SHIPMENT: On or about February 19, 1944, from Lockport, Ill.

PRODUCT: 120 unlabeled bags, each containing 100 pounds, of oatmeal flour at Union City, N. J., in the possession of Yardley of London, Inc. This product was intended for use in the manufacture of a cosmetic. It had been stored under insanitary conditions after shipment. Rodent pellets and urine stains were observed on the bags, and examination showed that the flour was contaminated with urine.

NATURE OF CHARGE: Adulteration, Section 601 (b), the article consisted in whole or in part of a filthy substance by reason of its contamination with urine; and, Section 601 (c), it had been held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: July 16, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a Federal correctional institution, for use as hog feed after the destruction of the labels.

COSMETICS ACTIONABLE BECAUSE OF ADULTERATION WITH UNCERTIFIED COAL-TAR COLORS*

119. Adulteration of cleansing cream. U. S. v. Alexandra de Markoff Sales Corporation and Hilde Cahn Weinberg (also known as Hilde Walborg). Pleas of guilty. Corporation and individual fined $1,500 jointly and severally. Individual defendant placed on probation for 1 year. (F. D. C. No. 14293. Sample No. 51660–F.)

INFORMATION FILED: April 3, 1945, Southern District of New York, against the Alexandra de Markoff Sales Corporation, New York, N. Y., and Hilde Cahn Weinberg, also known as Hilde Walborg, vice president of the corporation.

ALLEGED SHIPMENT: On or about January 7, 1944, from the State of New York into the State of Massachusetts.

LABEL, IN PART: "Alexandra de Markoff Cleansing Cream."

NATURE OF CHARGE: Adulteration, Section 601 (e), the article was not a hair dye and it contained coal-tar colors, "butter yellow," Sudan I, and Sudan II, which have not been listed for use in cosmetics in accordance with the regulations and are others than those from batches that have been certified.

DISPOSITION: May 28, 1945. Pleas of guilty having been entered on behalf of both defendants, the court imposed a fine of $1,500 against them jointly and severally and placed the individual defendant on probation for a period of 1 year.

120. Adulteration and misbranding of texture cream. U. S. v. Emarco Co., Inc., and Clifford F. Green. Plea of guilty on behalf of corporation; fine, $100. Plea of nolo contendere by individual; fine, $10. (F. D. C. No. 15490. Sample No. 52791–F.)

INFORMATION FILED: May 2, 1945, District of Massachusetts, against the Emarco Co., Inc., Boston, Mass., and Clifford F. Green, clerk and active head of the corporation.

ALLEGED SHIPMENT: On or about April 6, 1945, from the Commonwealth of Massachusetts into the State of Rhode Island. The product was shipped in jars which were unlabeled except for a small sticker bearing the words "Texture Cream." The shipment was not covered by a written agreement between the shipper and consignee in regard to the labeling of the product.

NATURE OF CHARGE: Adulteration, Section 601 (e), the product was not a hair dye and it contained a coal-tar color, "butter yellow" (Colour Index No. 19), which has not been listed for use in cosmetics in accordance with the regulations and is other than one from a batch that has been certified in accordance with the regulations.

Misbranding, Section 602 (b). (1), the product was in package form and it

*See also No. 113.