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.

failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; and, Section 602 (b) (2), the jars bore no label containing a statement of the quantity of the contents.

DISPOSITION: October 11, 1945. A plea of guilty having been entered on behalf of the corporation, and a plea of nolo contendere having been entered by the individual, the corporation was fined $100 and the individual was fined $10.

121. Adulteration of Odo-ro-no. U. S. v. 119 Dozen Packages and 60 Dozen Packages of Odo-ro-no. Default decree of condemnation and destruction. (F. D. C. No. 14417. Sample No. 83141–F.)

LIBEL FILED: November 14, 1944, District of New Jersey.

ALLEGED SHIPMENT: On or about March 9 and April 25, 1944, by the Northam Warren Corporation, from Stamford, Conn.

PRODUCT: 119 dozen ¾-fluid ounce size and 60 dozen 1⅝-fluid ounce size packages of Odo-ro-no at Jersey City, N. J.

Examination showed that this product was colored with Acid Fuchsine, Colour Index No. 692, a coal-tar dye which is not a color certifiable for use in cosmetics.

NATURE OF CHARGE: Adulteration, Section 601 (e), the article contained a coal-tar color 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.

DISPOSITION: March 26, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

COSMETICS ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS

122. Misbranding of Jeunice "Brown Magic" Plastique Masque, Emulsion Luxury Cream, Line-No-More Treatment, Sensation Cocktail Astringent, Oleo-Stimulatum Cerate, and "Youth-Glow" Finishing Lotion. U. S. v. Eunice Skelly (Eunice Skelly House of Youth). Plea of guilty. Fine, $300; 6 months' suspended jail sentence. Defendant placed on probation for 6 months. (F. D. C. No. 11349. Sample Nos. 2273–F, 16808–F, 16809–F.)

INFORMATION FILED: August 5, 1944, Southern District of New York, against Eunice Skelly, trading as Eunice Skelly and the Eunice Skelly House of Youth, New York, N. Y.

ALLEGED SHIPMENT: On or about July 20 and November 27, 1942, from the State of New York into the States of Illinois and New Jersey, of cosmetics described in the defendant's literature as "Deluxe Rejuvenating Kit," and by various other names.

PRODUCT: Analysis showed that the "Brown Magic" Plastique Masque was a flesh-colored (greyish pink), ointment-like mixture consisting essentially of water, zinc oxide, colored clay (containing iron oxide), perfume, and benzaldehyde. The Emulsion Luxury Cream consisted essentially of a light yellow-colored and perfumed emulsified mixture of water, borates, and an oil, fat, or wax. The Line-No-More Treatment was a clear, light bluish-red, odorless liquid consisting essentially of an aqueous solution of silicate (possibly water glass). The Sensation Cocktail Astringent was a clear, light yellowish-red, aqueous alcoholic liquid consisting essentially of a colored and heavily perfumed mixture of water, alcohol, and borates, with possibly some other inorganic salts. The Oleo Stimulatum Cerate was a light yellow, salve-like substance consisting essentially of a colored and perfumed emulsified mixture of water and an oil, fat, or wax. The "Youth Glow" Finishing Lotion consisted essentially of a suspension of colored zinc oxide in a colorless, perfumed, aqueous alcoholic liquid. Enclosed in the package containing the articles when shipped in interstate commerce were certain circulars entitled "Important New Instructions and Suggestions," "Prove by one Trial," "Eunice Skelly presents her," "Eunice Skelly's Brochure," and "Eunice Skelly's Instructions."

NATURE OF CHARGE: *Jeunice "Brown Magic" Plastique Masque.* Misbranding, Section 602 (a), certain statements in the circulars were false and misleading since they represented and suggested that the article would rejuvenate the skin and would cause the blood to flow in a fresh, purifying stream to the muscles and tissues, whereas the article would not be efficacious for the purposes recommended and suggested.

Jeunice Emulsion Luxury Cream. Misbranding, Section 602 (a), certain statements in the circulars were false and misleading since they represented