COSMETICS ACTIONABLE BECAUSE OF ADULTERATION WITH UNCERTIFIED COAL-TAR COLORS

212. Plastic boxes of cosmetic kits and tubes of eye make-up colors. (F.D.C. No. 45703. S. No. 27-033 R.)

QUANTITY: 22 "Type A" kit plastic boxes, 12,594 1/10-oz. tubes of eye make-up colors, and 20 "Day Dew Bon Voyage" kit plastic boxes, at Beverly Hills, Calif., in possession of Anita d'Foged, Inc.

SHIPPED: The tubes of eye make-up colors were imported on 7-13-60, from Palsgaard Castle Laboratory, Denmark, by Anita d'Foged, Inc.

LABEL IN PART: (Tube of eye make-up) "Day Dew Contouring 'Fun-Eye-Glamour' 'to make your eyes speak and sparkle' Apply with brush * * * Net Weight 1/10 oz. Made in Denmark Anita d'Foged a/s Palsgaard Castle Lab. Denmark."

ACCOMPANYING LABELING: Leaflets entitled "Day Dew from Denmark Your Complete Beauty Care" ("Type A" kit) and "Day Dew from Denmark Presents Bon Voyage" ("Bon Voyage" kit).

RESULTS OF INVESTIGATION: Examination showed that the tubes of eye make-up contained synthetic organic colors not listed for use in products to be applied to the area of the eye. The plastic boxes designated "Type A" kit contained 6 tubes of assorted colors of eye make-up, 1 tube of mascara, 2 brushes and a leaflet. The plastic boxes designated "Day Dew Bon Voyage" kit contained 1 tube of make-up, 1 tube of Vitamin Enriched Cream, 1 tube of Cream-Foam Cleanser, 1 brush, 3 small tubes of lip shades, 1 complete "Type A" kit, and a leaflet. The kits were assembled by Anita d'Foged, Inc., after the receipt of the tubes of eye make-up colors from Denmark.

LIBELED: 4-10-61, S. Dist., Calif.

CHARGE: 601(e)—when shipped and while held for sale, the articles were not hair dyes and contained synthetic organic colors, namely, Toluidine Red, C.I. No. 12120, Copper Phthalocyanine Blue, C.I. No. 74160, and Hansa Yellow G, C.I. No. 11680, which were unsafe within the meaning of 706(a), since such synthetic organic colors had not been provisionally listed for cosmetic use on the basis of prior commercial sale pursuant to Section 203 of the Color Additive Amendments of 1960.

DISPOSITION: 7-12-61. Default—destruction.

213. Eternal Youth face cream. (F.D.C. No. 45936. S. No. 97-081 R.)

QUANTITY: 4 cases of 36 4-oz. btls. each, at Lockport, N.Y.

SHIPPED: 4-11-61, from Pittsburgh, Pa., by Mare Mano, Inc.

LABEL IN PART: (Btl.) "Eternal Youth by Mare Mano Corrective Cosmetic For Wrinkles and Blackheads Mare Mano, Inc., Pittsburgh, Pa. * * * Contains no heavy metals."

LIBELED: 6-6-61, W. Dist. N.Y.

CHARGE: 601(e)—when shipped, the article contained a synthetic organic color, Amaranth, C.I. No. 16185, which was unsafe within the meaning of 706(a), since such synthetic organic color had not been provisionally listed for cosmetic use in the area of the eye on the basis of prior commercial sale.

The libel alleged also that the article and another article of drug were misbranded under the provisions of the Act relating to drugs, as reported in notices of judgment on drugs and devices.

DISPOSITION: 7-7-61. Default—destruction.