

- 4. Adulteration of Magic-Di-Stik. U. S. v. Isaac Dellar and S. Meyer Kolmitz (Magic-Di-Stik). Pleas of nolo contendere. Imposition of sentence suspended and defendants placed on probation for 1 year. (F. D. C. No. 90. Sample Nos. 694-D, 9207-D, 9208-D, 9209-D, 9468-D, 21533-D, 23804-D, 23805-D, 24006-D, 24021-D, 24544-D, 24545-D, 24773-D, 24778-D, 28519-D, 36401-D, 37617-D, 37754-D, 37801-D.)**

This product contained a poisonous or deleterious substance, namely, paraphenylenediamine, which might have rendered it injurious to users under the conditions of use prescribed in the labeling. For labeling see No. 3 of this publication.

On January 9, 1939, the United States attorney for the Southern District of California filed an information against Isaac Dellar and S. Meyer Kolmitz, trading as Magic-Di-Stik, Los Angeles, Calif., alleging shipment by said defendants within the period from on or about June 27 to on or about July 14, 1938, from the State of California into the States of South Carolina, Texas, New York, Michigan, Ohio, Indiana, Tennessee, Arkansas, Missouri, Washington, Kansas, Louisiana, Mississippi, and Alabama of quantities of Magic-Di-Stik, which was an adulterated cosmetic.

On September 11, 1939, the defendants entered pleas of nolo contendere. Pronouncement of sentence was withheld and the defendants were given 1 year's probation, concurrently, on each of the 19 counts of the information.

- 5. Adulteration of Loris Permanent Lash and Brow Colure. U. S. v. 12 Cartons and 9 Boxes of Loris Permanent Lash and Brow Colure. Default decrees of condemnation and destruction. (F. D. C. Nos. 24, 46, 47. Sample Nos. 2142-D, 22641-D, 22642-D.)**

This product contained a poisonous or deleterious substance, viz, paraphenylenediamine, which might have rendered it injurious to users under the conditions of use prescribed in the labeling quoted hereinafter.

On or about August 5 and 8, 1938, the United States attorneys for the Western District of New York and the Western District of Michigan filed libels against 12 cartons of the above-named product at Buffalo, N. Y., and 9 boxes at Marquette, Mich.; alleging that the article had been shipped in interstate commerce within the period from on or about July 11 to on or about July 19, 1938, by the Loris Laboratories from Chicago, Ill.; and charging that it was adulterated.

The article was labeled in part: "Put contents of one capsule in mixing bowl and add 17 volume peroxide to make paste. Apply cream to skin underneath the eye to hold eye-shields in place. Cover lashes completely with paste and leave on about five minutes for deep black. Remove the dye thoroughly with water and cleanse with a good eye wash. Do not attempt to dye infected or granulated eyelids and be cautious at all times to insure safety. To obtain completely satisfactory results it is necessary to use entire contents of one capsule for each lash and brow dye."

On September 8 and 19, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

- 6. Adulteration of Loris Permanent Lash and Brow Colure. U. S. v. Elmer J. Paine and Russell H. Albin. Plea of nolo contendere by Elmer J. Paine. Plea of guilty by Russell H. Albin. Imposition of sentence suspended and defendants placed on probation for 2 years. (F. D. C. No. 93. Sample Nos. 2142-D, 22641-D, 22642-D.)**

This product contained paraphenylenediamine, a poisonous or deleterious substance that might have rendered it injurious to users under the conditions of use prescribed in the labeling. For labeling see No. 5 of this publication.

On February 27, 1939, the United States attorney for the Northern District of Illinois filed an information against Elmer J. Paine and Russell H. Albin, trading at Chicago, Ill., alleging shipment by said defendants, within the period from on or about July 7 to on or about July 19, 1938, from the State of Illinois into the States of Michigan and New York of quantities of Loris Permanent Lash and Brow Colure, which was an adulterated cosmetic.

On October 31, 1939, Elmer J. Paine entered a plea of nolo contendere and on the same date Russell H. Albin entered a plea of guilty. Imposition of sentence was suspended and the defendants were placed on probation for 2 years.

- 7. Adulteration of Hollywood Lash and Brow Dye. U. S. v. 26 Cartons of Hollywood Lash and Brow Dye (and 2 other seizure actions against the same product). Default decrees of condemnation and destruction. (F. D. C. Nos. 57, 58, 60. Sample Nos. 10151-D, 23813-D, 27546-D.)**

This product contained a poisonous or deleterious substance—paraphenylenediamine, which might have rendered it injurious to users under the conditions of use prescribed in the labeling quoted hereinafter.

On or about August 19 and 22 and September 1, 1938, the United States attorneys for the Eastern and Northern Districts of Texas and the Southern District of Florida filed libels against 26 cartons of Hollywood Lash and Brow Dye at Bonham, Tex., 18 cartons of the product at Amarillo, Tex., and 15 cartons at Jacksonville, Fla.; alleging that the article had been shipped in interstate commerce within the period from on or about July 8 to on or about July 23, 1938, by the Hollywood Lash Dye Co. from Hollywood and Los Angeles, Calif.; and charging that it was adulterated.

A leaflet contained in the packages bore the following statements: "Directions 1. Wash brows and lashes with cotton and water—remove any mascara. 2. Place dye powder into sterilized glass dish, add about 15 drops of 17 Volume Fresh peroxide, mix thoroughly into a medium paste. 3. Have patron in semi-upright position. 4. Apply any facial cream to one side of eye-shield (inclosed herewith), place under each eye while patron's eyes are open (this prevents staining of skin.) 5. (Have Eyes Closed) apply paste to lashes or brows with small round orange stick—(2 minutes for brown shade)—(4 to 5 minutes if black is desired.) 6. Remove paste with cotton Moistened In Lukewarm Water. Be sure all dye is removed. Cautions 1. Keep in dry place. 2. Be Sure all lashes are on top of eye-shields before applying paste. 3. Keep eyes closed until finished (Not Too Tight.) 4. When removing paste rub gently—do not have swab too wet (washing swab several times in lukewarm water.) 5. Do Not Pluck Brows Before Or After Applying Dye and never to granulated eye lids or inflamed conditions. 6. Hollywood Lash Dye is applied only by licensed operators. 7. Rare cases of idiosyncrasy may exist. A skin re-action test should be made to determine these cases. 8. Do not use argyrol or other medication in the eyes before or after Lash Dye. 9. Do not use any stain remover near eyes—or any eye dropper that has been used for ammonia or other chemicals."

On September 28, October 10, and December 12, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**8. Adulteration of Hollywood Lash and Brow Dye. U. S. v. Burton Lowell (Hollywood Lash Dye Co.). Plea of nolo contendere. Imposition of sentence suspended and defendant placed on probation for 2 years. (F. D. C. No. 91. Sample Nos. 10151-D, 23813-D, 27546-D.)**

This product contained paraphenylenediamine, a poisonous or deleterious substance which might have rendered it injurious to users under the conditions of use prescribed in the labeling. For labeling see No. 7 of this publication.

On January 9, 1939, the United States attorney for the Southern District of California filed an information against Burton Lowell, trading as the Hollywood Lash Dye Co., Hollywood, Calif., alleging shipment by said defendant within the period from on or about July 8 to July 25, 1938, from the State of California into the States of Florida and Texas of quantities of Hollywood Lash and Brow Dye, which was an adulterated cosmetic.

On September 11, 1939, the defendant entered a plea of nolo contendere. On September 18, 1939, the court announced that imposition of sentence would be suspended for 2 years on condition that the defendant did not manufacture the lash dye involved during that period.

**9. Adulteration of Mary Luckie Improved Lash and Brow Dye. U. S. v. 24 Packages of Mary Luckie Improved Lash and Brow Dye (and 8 other seizure actions against the same product). Default decrees of condemnation and destruction. (F. D. C. Nos. 78 to 86, incl., 88. Sample Nos. 9216-D, 9217-D, 23820-D, 23829-D, 23830-D, 23831-D, 23832-D, 23833-D, 27599-D, 30627-D.)**

This product contained paraphenylenediamine and hydrogen peroxide, and was an adulterated cosmetic as explained hereinafter.

Between October 21 and October 29, 1938, the United States attorneys for the Northern, Eastern, and the Southern Districts of Texas filed libels against 122 packages of Mary Luckie Improved Lash and Brow Dye in various lots at Dallas, Fort Worth, Lubbock, Tyler, Kilgore, Amarillo, and Houston, Tex.; alleging that the article had been shipped in interstate commerce within the period from on or about July 5 to on or about August 23, 1938, by Mary Luckie, Inc.; and charging that it was adulterated.

The article was labeled in part: (Circular) "Directions in the Use of Mary Luckie Lash And Brow Dye To Be Applied by Registered Licensed Beauty Operator Only Use glass, china or wooden dish to mix, as follows: Mix one spoonful of No. 3, No. 4, No. 5 (spoon enclosed in unit). This is the Dye