

Mixture. Next prepare patron. Drop two drops of contents of bottle No. 1 into eyes. This is a medically approved Eye Wash. Use cotton to remove all Eye Wash from around eyes. Next make a swab of cotton on a small orange stick, dip in bottle No. 2 and cover brow, lashes and skin around eye. Apply freely in and through the brows, as this oil will prevent the dye staining the skin, at the same time will permit the lashes and brows to dye. Next place the paper plaques (enclosed in unit) underneath lower lash—then ask patron to close eyes and relax. Next, with clean orange stick apply the mixture from the dish to lashes first, then the brows. Leave 5 to 10 minutes after the dye is on brows. It is not necessary to leave on longer. Have cotton wet with cold water, gently remove brow application first, then working downward on lashes, remove all of the dye mixture on the paper plaque, then remove plaque. Patron's eyes must be closed until you have removed all the mixture from upper and lower lashes. Last, drop more Eye Wash from bottle No. 1 with eye-dropper enclosed in unit. This will cleanse eye. Keep dropping in Eye Wash until eye feels clean and clear. Use no soap. * * * You are at liberty to make the paste thicker using more of the powder from No. 3"; (circular accompanying most shipments) "Warning Mary Luckie Lash and Brow Dye is to be applied only by a licensed beauty operator, who has been taught to give primary dye tests. Mary Luckie, Inc., requests that you use the following method: Follow the directions enclosed in each and every unit of Mary Luckie Lash and Brow Dye to mix No. 3, 4 and 5. Apply a generous amount of this mixture to the skin back of the ear lobe then seal with gauze and tape and leave for 24 hours. If patron is allergic the skin will show pink and no lash and brow dye should be given until this test repeated shows negative. This is not a test of Mary Luckie Lash and Brow Dye but a test of the patron as many people have an idiosyncrasy for any dye."

Adulteration of all lots, with the exception of two seized in the Eastern District of Texas, was alleged in that the article contained paraphenylenediamine and hydrogen peroxide, poisonous and deleterious substances which might have rendered the use of the said article injurious to users under the conditions of use prescribed in the labeling or under such conditions of use as are customary or usual. The libels filed in the Eastern District of Texas alleged adulteration in that the article contained a poisonous or deleterious substance, paraphenylenediamine, which might have rendered it injurious to users under the conditions of use prescribed in the labeling.

Between the dates of November 10, 1938, and May 19, 1939, the consignees of three of the lots seized at Dallas, Tex., having admitted the allegations of the libels and having consented to the entry of decrees and no appearance having been entered in the remaining cases, judgments of condemnation were entered and the product was ordered destroyed.

10. Adulteration of Ideal Lash and Brow Dye. U. S. v. George W. Eilert (Ideal Lash & Brow Co.). Plea of nolo contendere. Imposition of sentence suspended and defendant placed on probation for 1 year. (F. D. C. No. 92. Sample No. 36326-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 quoted below.

On March 6, 1939, the United States attorney for the Southern District of California filed an information against George W. Eilert, trading as the Ideal Lash & Brow Co., Los Angeles, Calif., alleging shipment by said defendant on or about July 21, 1938, from the State of California into the State of Nevada of a quantity of Ideal Lash and Brow Dye, which was an adulterated cosmetic.

The article was labeled in part: "Ideal Lash & Brow Co. Manufactured by the Originator and Inventor of Lash Lure. Directions for Ideal Lash and Brow Dye Apply cold cream around brows and lashes, keeping cream off hair line; then mix enough peroxide to contents to make a paste, and apply to brows and lashes; leave on five minutes for deep black, then remove with clear water."

On September 11, 1939, the defendant entered a plea of nolo contendere. On September 25, 1939, the court suspended imposition of sentence and placed the defendant on probation for 1 year upon condition that he did not again violate this act.