

ber 7, 1939, by the Lambert Pharmacal Co. from St. Louis, Mo.; and charging that they were misbranded cosmetics.

Both products were alleged to be misbranded in that their containers were so made, formed, or filled as to be misleading. The tooth paste was alleged to be misbranded further in that the statement "Net Weight  $\frac{3}{4}$  Oz. or 22 gm." was false and misleading as applied to an article that was short weight.

On November 25, 1939, the Lambert Pharmacal Co. having appeared as claimant, an order was entered removing the cases for trial to the Eastern District of Illinois. On January 22, 1940, answers to the libels were filed by the claimant, the Lambert Pharmacal Co., denying that the products were misbranded and further denying that the shaving cream was a cosmetic.

On May 20, 1940, the claimant having consented to the entry of decrees, judgments of condemnation were entered and it was ordered that the products be destroyed. The decrees contained the following provision: "It is further Ordered, Adjudged and Decreed, That this is a proceeding in rem and that this decree is without prejudice to the rights of the United States of America or of the said claimant, Lambert Pharmacal Company, in any other litigation whatever."

**46. Misbranding of shaving cream. U. S. v. 42 $\frac{1}{2}$  Dozen Cartons of Giant Size Seven Star Brushless Shaving Cream. Default decree of condemnation and destruction.** (F. D. C. No. 1547. Sample No. 77222-D.)

The tubes containing this product occupied approximately 22 percent of the space in the carton.

On February 29, 1940, the United States attorney for the District of Maryland filed a libel against 42 $\frac{1}{2}$  dozen cartons of shaving cream at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about September 7, 1939, by the Royal Sundries Corporation from New York, N. Y.; and charging that it was misbranded in that its containers were so made, formed, or filled as to be misleading.

On March 28, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

MISCELLANEOUS

**47. Misbranding of hair remover. U. S. v. 488 Packages of Neet Cream Hair Remover. Default decree of condemnation and destruction.** (F. D. C. No. 871. Sample No. 73762-D.)

The tubes containing this product occupied approximately 20 percent of the available space in the cartons.

On November 4, 1939, the United States attorney for the District of Massachusetts filed a libel against 488 packages of hair remover at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about August 10 and September 13, 1939, by Affiliated Products, Inc., from Jersey City, N. J.; and charging that it was misbranded in that its containers were so made, formed, or filled as to be misleading.

On June 3, 1940, no appearance or claim having been entered, judgment of condemnation was entered and it was ordered that the product be destroyed.

**48. Misbranding of depilatory cream. U. S. v. 20 Dozen Packages of Zip Depilatory Cream. Default decree of condemnation and destruction.** (F. D. C. No. 1042. Sample No. 82677-D.)

The tubes containing this product occupied only about 17 percent of the capacity of the cartons.

On November 24, 1939, the United States attorney for the Southern District of Florida filed a libel against 20 dozen packages of depilatory cream at Tampa, Fla., alleging that the article had been shipped in interstate commerce on or about September 28, 1939, by Jean Jordeau, Inc., from South Orange, N. J.; and charging that it was misbranded in that its containers were so made, formed, or filled as to be misleading.

On January 31, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**49. Misbranding of eyelash cream. U. S. v. 21 Packages of Kurlene. Default decree of condemnation and destruction.** (F. D. C. No. 2719. Sample No. 19032-E.)

This product was contained in a small collapsible tube which occupied only 14 percent of the capacity of the carton.

On September 3, 1940, the United States attorney for the Western District of Pennsylvania filed a libel against 21 packages of eyelash cream at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about

July 31, 1940, by the Kurlash Co., Inc., from Rochester, N. Y.; and charging that it was misbranded in that its containers were so made, formed, or filled as to be misleading.

On September 30, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**50. Misbranding of deodorant creams. U. S. v. 11½ Dozen Tubes of Fresh No. 1 Deodorant and 34¼ Dozen Jars of Fresh No. 2 Non-Perspirant Vanishing Cream. Default decrees of condemnation and destruction. (F. D. C. Nos. 869, 870. Sample Nos. 63895-D, 63897-D.)**

The No. 1 Deodorant was contained in a tube which occupied only 20 percent of the capacity of the carton; and the No. 2 Non-Perspirant was packed in an opal glass jar having an exceedingly thick bottom which was one-half the total height of the jar.

On November 2, 1939, the United States attorney for the Eastern District of Missouri filed libels against certain quantities of the above-named products at St. Louis, Mo. On December 2, 1939, the libels were amended to cover 11½ dozen tubes of Fresh No. 1 and 34¼ dozen jars of Fresh No. 2. It was alleged in the amended libels that the articles had been shipped in interstate commerce by the Pharma-Craft Corporation from Louisville, Ky., within the period from on or about July 18 to on or about October 27, 1939; and that they were misbranded in that their containers were so made, formed, or filled as to be misleading.

On March 19, 1940, the answers of the Pharma-Craft Corporation having been withdrawn with leave of court, and no other claimant having appeared, judgments of condemnation were entered and it was ordered that the products be destroyed.

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### SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

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Allen Products:		Kurlash Co., Inc.:	
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Bernhard, Adam:		L. B. Hair Oil	34
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