

141. Adulteration of Polymol Hair Dressing. U. S. v. 27 Dozen Bottles of Polymol Hair Dressing. Default decree of condemnation and destruction. (F. D. C. No. 18158. Sample No. 7821-H.)

LIBEL FILED: On or about October 19, 1945, District of New Jersey.

ALLEGED SHIPMENT: On or about August 20, 1945, by the Farenga Co., Inc., from Richmond Hill, N. Y.

PRODUCT: 27 dozen bottles of *Polymol Hair Dressing* at Newark, N. J. Examination showed that the product contained Naphthalene Green V (Colour Index No. 735), a coal-tar color which is not on the list of colors which may be submitted for certification by the Food and Drug Administration.

NATURE OF CHARGE: Adulteration, Section 601 (e), the article was not a hair dye, and it bore or contained a coal-tar color which has not been listed as harmless and suitable for use in cosmetics in accordance with the regulations, and it was other than one from a batch that had been certified.

DISPOSITION: December 6, 1945. No claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

142. Adulteration and misbranding of lipstick. U. S. v. 16 Cans of Lipstick. Default decree of condemnation and destruction. (F. D. C. No. 17119. Sample Nos. 7583-H to 7588-H, incl.)

LIBEL FILED: August 17, 1945, District of New Jersey.

ALLEGED SHIPMENT: Between the approximate dates of June 12, 1943, and December 4, 1944, by Yardley & Co., Ltd., from London, England.

PRODUCT: 16 cans of *lipstick* at Union City, N. J.

LABEL, IN PART: "Pigment Dyestuffs Extended in Technical Oleyl Alcohol For Full Red [or "Cherry," "Holly Red," "Vivid," "Red Burgundy," or "Red Fuchsia"] Lipstick."

NATURE OF CHARGE: Adulteration, Section 601 (e), the article was not a hair dye, and it bore and contained a coal-tar color other than one from a batch that had been certified in accordance with the regulations.

Misbranding, Section 602 (b) (1), it failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor.

DISPOSITION: October 21, 1946. The shipper having withdrawn its claim, judgment of condemnation was entered and the product was ordered destroyed.

COSMETIC ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS*

143. Misbranding of Hair Milk. U. S. v. Sophia Strboya Sikoparija (Stanley's Drug Store). Plea of not guilty. Tried to the jury. Verdict of guilty. Sentence of 57 days in jail. (F. D. C. No. 11379. Sample No. 489-F.)

INFORMATION FILED: May 8, 1944, Eastern District of Texas, against Sophia Strboya Sikoparija, trading as Stanley's Drug Store, Orange, Tex.

ALLEGED SHIPMENT: On or about January 30, 1943, from the State of Texas into the State of Illinois.

PRODUCT: Examination of the product showed that the *Hair Milk* consisted of water with small proportions of lead acetate, sulfur, and glycerin; that the *Tonic AAA* referred to in the labeling of the *Hair Milk* consisted essentially of small proportions of an extract of fish oil, compounds of iron, calcium and magnesium and phosphates, and an extract of malt and water. The analyses of the other products referred to in the labeling of the *Hair Milk* are set forth in notices of judgment on drugs and devices, No. 1553.

NATURE OF CHARGE: Misbranding, Section 602 (a), certain statements in the labeling regarding *Prescription Medicine 1-B-7*, *Prescription 1-NN-1*, *Prescription 1-H-7*, *Prescription 1-RR-7*, and *Tonic AAA*, drug preparations sold by the defendant, were false and misleading since they represented and suggested that the drug *Prescription Medicine 1-B-7* would be effective in the cure, mitigation, treatment, or prevention of sleeplessness and nervousness; that it would be effective in the treatment of persons suffering from nervousness or sleeplessness and frazzled nerves; that it would be effective in the treatment of weak and

*See also Nos. 131, 133.

anemic people and persons with disordered stomachs, or persons whose sexual organism is disordered; that the drug *Prescription 1-NN-1* would be effective in the cure, mitigation, treatment, or prevention of sleeplessness and nervousness; that the *Prescription 1-H-7* would be effective in the cure, mitigation, treatment, or prevention of constipation, difficult bowel movement, and irregular bowel elimination, bloated stomach, gasses, wind, headache, discomfort, poor appetite, bad breath, weary feeling, impure blood, and poor digestion (with statement that inflamed or clogged bowel causes those conditions); that the *Prescription 1-RR-7* would be effective in the cure, mitigation, treatment, or prevention of rush of blood, high blood pressure, burning fever, headaches, buzzing in the ears, shortness of breath or difficult breathing, swollen or puffed-up face, nosebleed, attacks in the head, strong urine, scant urine, and swollen legs; and that it would be effective to restore easier breathing, promote normal blood circulation and health, and enable a person who is 60 years old to look 40 and feel like 30; and that the *Tonic AAA* would be effective to promote strength and nourishment in school children; that it would be excellent for the sound development and nourishing of weak and feeble children; that it would improve the appetite; and that it would build up the lungs and bones and make children generally healthy and gay.

The drugs referred to in the labeling of the *Hair Milk* would not be efficacious for the purposes represented. Furthermore, an inflamed or clogged bowel does not cause the conditions referred to in the labeling of the *Prescription 1-H-7*.

The information also alleged that the drugs referred to in the labeling of the *Hair Milk*, with the exception of the *Tonic AAA*, together with another drug known as *Stanley's Stomach Powder*, were misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 1553.

DISPOSITION: A plea of not guilty having been entered on behalf of the defendant, the case came on for trial before a jury on October 24, 1944. The jury returned a verdict of guilty, and, on October 25, 1944, the court sentenced the defendant to serve 57 days in jail.

COSMETICS ACTIONABLE BECAUSE OF FAILURE TO BEAR MANDATORY LABELING*

144. Misbranding of cold cream. U. S. v. Benjamin Ansehl Co. Plea of nolo contendere. Fine, \$100. (F. D. C. No. 20475. Sample Nos. 51122-H, 51123-H.)

INFORMATION FILED: September 3, 1946, Eastern District of Missouri, against the Benjamin Ansehl Co., a corporation, St. Louis, Mo.

ALLEGED SHIPMENT: On or about January 28 and February 13, 1946, from the State of Missouri into the State of Minnesota.

LABEL, IN PART: "Cold Cream 12 Oz. Saint Louis by Vivani," or "Cream Containing Olive Oil 12 Oz. by Vivani The Benjamin Ansehl Co. St. Louis."

NATURE OF CHARGE: Misbranding, Section 602 (b) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents since the jars contained less than 12 ounces.

DISPOSITION: September 14, 1946. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$50 on each count, a total fine of \$100.

145. Misbranding of cold cream. U. S. v. 23 Cases and 14½ Cases of Cold Cream. Default decree of condemnation and destruction. (F. D. C. No. 19397. Sample Nos. 51122-H, 51123-H.)

LIBEL FILED: March 28, 1946, District of Minnesota.

ALLEGED SHIPMENT: On or about January 28 and February 13, 1946, by the Benjamin Ansehl Co., from St. Louis, Mo.

PRODUCT: 23 cases, each containing 12 jars, and 14½ cases, each containing 24 jars, of cold cream at Minneapolis, Minn. Samples taken from both lots of this product were found to be short-weight.

LABEL, IN PART: "Cream Containing Olive Oil 12 Oz. By Vivani," or "Cold Cream 12 Oz. By Vivani."

*See also No. 142.