

12 metal tubes each, of "Fuschia" color *lipstick*; and 43 boxes, 12 metal tubes each, of "Light" color *lipstick*, at Dayville, Conn., in possession of Hillshire Farms, Inc.

SHIPPED: Between 7-26-59 and 8-17-59, from the State of Pennsylvania.

LABEL IN PART: (Btl.) "Hillshire Down Spring Bouquet Dusting Powder Hillshire Farms, Inc., R.F.D. Dayville, Conn. 8 Oz."; (jar) "Hillshire Down Nature's Youth Tone Hillshire Down, Distr. RFD Dayville, Conn. Net Contents 2 Ozs."; and (tube) "For You by Hillshire."

ACCOMPANYING LABELING: Sales manual entitled "Hillshire Downs Manual."

RESULTS OF INVESTIGATION: Examination showed that the *dusting powder* and *cosmetic cream* did not contain milk solids and that the *lipsticks* did contain coal-tar colors.

The sales manual had been printed in or about Dayville, Conn.

LIBELED: 11-18-60, Dist. Conn.; amended libel 6-13-61.

CHARGE: *Dusting powder*, 602(a)—while held for sale, the labeling accompanying the article contained false and misleading representations that the article contained goats' milk.

*Cosmetic cream*, 602(a)—the labeling accompanying the article contained false and misleading representations that the article was capable of preventing and eliminating wrinkles and nourishing the skin.

*Lipsticks*, 602(a)—the labeling accompanying the articles contained false and misleading representations that the articles contained no coal-tar colors.

DISPOSITION: 6-13-61. Consent—destruction.

#### COSMETIC ACTIONABLE BECAUSE OF FAILURE TO BEAR MANDATORY LABELING

##### 231. Perfume. (F.D.C. No. 46808. S. No. 6-880 T.)

QUANTITY: 1,591 ctns., each containing one metallic ½-oz. tube with pressure-spray cap, at New Bedford, Mass.

SHIPPED: 9-21-61, from New York, N.Y., by L'Argene Products Co., Inc.

LABEL IN PART: (Ctn.) "Touch 'n' Spray perfume 300 Sprays Purse Size ½ Oz." and (top of ctn.) "Columbus Spray Perfume Distr. ½ Oz."

RESULTS OF INVESTIGATION: Examination disclosed that the mandatory information required to appear on the label was incomplete and inconspicuous in that the name of the place of business was not shown for the distributor, and that the print was so small and blurred that it was difficult to read.

LIBELED: 12-20-61, Dist. Mass.

CHARGE: 602(b)—when shipped, the label of the article failed to bear the name of the place of business of the distributor; and 602(c)—the information required to appear on the label under 602(b)(1) and (b)(2), namely, the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents, was not prominently placed on the label with such conspicuousness (as compared with other words and statements on the label) as to render such information likely to be read by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: 2-20-62. Default decree providing for destruction or delivery to a public institution.

# U.S. Department of Health, Education, and Welfare

## FOOD AND DRUG ADMINISTRATION

### NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

232-241

### COSMETICS

The cases reported herewith were instituted in the United States district courts by United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare, and include, where indicated, the results of investigations by the Department, prior to the institution of the proceedings.

Published by direction of the Secretary of Health, Education, and Welfare.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

WASHINGTON, D.C., *August 6, 1963.*

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