

**RESULTS OF INVESTIGATION:** Examination showed that the article contained oil of cinnamon or cinnamic aldehyde (cinnamaldehyde).

**LIBELED:** 7-2-62, S. Dist. Calif.

**CHARGE:** 601(a)—when shipped, the article contained an added poisonous or deleterious substance, namely, oil of cinnamon or cinnamic aldehyde, which may render it injurious to users under customary or usual conditions of use.

**DISPOSITION:** On 9-10-62, August T. Baden claimed the article; denied that it was a cosmetic; denied that it was adulterated; admitted that there was added a small fraction of a drop of oil of cinnamon or cinnamic aldehyde; and denied that the article was in any way injurious to users or others.

On 12-14-62, the Government served written interrogatories on the defendants. On 10-29-63, by a stipulation withdrawing the claimant's answer and claim, a default decree of condemnation and destruction was filed.

### **COSMETICS ACTIONABLE BECAUSE OF INSANITARY CONDITIONS**

**252. Various cosmetics.** (F.D.C. No. 49559. S. No. 34-660 X.)

**QUANTITY:** 50 bushel baskets containing various cosmetics, such as pressurized 7-oz. cans of hair spray, at Minneapolis, Minn., in possession of C. G. Urness, t/a World Salvage.

**SHIPPED:** Prior to 12-4-64, by unknown shippers, from outside the State of Minnesota.

**RESULTS OF INVESTIGATION:** Investigation showed that various foods, drugs, and cosmetics were subject to fire damage on or about 12-6-61, and that they had been held in basement storage at a retail drug store in Minneapolis, prior to receipt by the dealer. The containers were either unlabeled or bore labels damaged by fire, smoke, or water, and the cans were rusted and contaminated with dirt and debris.

The foods and drugs were also libeled, as is reported in notices of judgment on foods, No. 29500, and in notices of judgment on drugs and devices, No. 7750.

The articles were being held for sale by the dealer.

**LIBELED:** 12-9-63, Dist. Minn.

**CHARGE:** 601(c)—while held for sale, the articles had been held under insanitary conditions; 602(b) (1)—the articles failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; and 602(b) (2)—the articles failed to bear a label containing an accurate statement of the quantity of the contents.

**DISPOSITION:** 12-24-63. Consent—destruction.

### **COSMETICS ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS\***

**253. Hair dressing.** (F.D.C. No. 47187. S. No. 55-804 T.)

**QUANTITY:** 23 cases, each containing 12 15-oz. btls., at New York, N.Y.

**SHIPPED:** 12-14-61, from Philadelphia, Pa., by Francis Anthony Agresti, t/a Robin Sales Co., New York, N.Y.

\*See also No. 245.

RESULTS OF INVESTIGATION: The article was a counterfeit of "Vitalis With V7," bearing a counterfeit "Vitalis With V7" label. Analysis showed that the article contained a coal-tar color, namely, FD&C Yellow No. 5, which was not contained in the authentic "Vitalis With V7." The article had been manufactured to the order of the shipper.

LIBELED: 3-12-62, S. Dist. N.Y.

CHARGE: 602(a)—when shipped, the bottle label of the article was false and misleading in its entirety as applied to a product which purported to be "Vitalis With V7" manufactured by Bristol-Myers Co., New York, N.Y., but which was a counterfeit of "Vitalis With V7," bearing counterfeit "Vitalis With V7" labels.

DISPOSITION: On or about 4-3-62. Default—destruction.

**254. Ex-Cel-Cis Foot-Eze, Ex-Cel-Cis Milk White cleanser, and Ex-Cel-Cis Magic Youth crystals, lotion, and cream.** (F.D.C. No. 48821. S. Nos. 22-644 V, 22-646/7 V.)

QUANTITY: 13 8-oz. btls. of *Foot-Eze*; 56 1½-oz. btls. of cream; 3 ctns., each containing 12 4-oz. btls. of cleanser; 2 ctns., each containing 6 1-oz. btls. of crystals; and 4 ctns. of Ex-Cel-Cis 3 Star Magic Youth Set, each ctn. containing 1 btl., each, of cream, cleanser, crystals, and lotion, at Lakewood, Colo.

SHIPPED: Between 12-9-61 and 2-27-62, from Salt Lake City, Utah, by Ex-Cel-Cis Beauty Products Co., Inc.

LABEL IN PART: (Btl.) "Foot-Eze \* \* \* Ex-Cel-Cis, Inc., Distr.," (btl.) "Milk White Cleanser Ex-Cel-Cis, Inc., Distr.," and (btls.) "Magic Youth Cream [or "Crystals" or "Roll-Off Lotion"] Ex-Cel-Cis, Inc., Distr."

ACCOMPANYING LABELING: Leaflets entitled "Stay Young and Gay The Ex-Cel-Cis Way" and "Ex-Cel-Cis Cosmetics of Distinction in Living Color."

RESULTS OF INVESTIGATION: Examination showed that the *Magic Youth cream* was a cream-colored semisolid having an oily texture and perfumed odor; that the *Milk White cleanser* and the *Roll-Off lotion* were white liquids having an oily texture and perfumed odor; that *Magic Youth crystals* was a pink, homogeneous, granular material having a perfumed odor; and that the *Foot-Eze* was an amber, transparent, oily liquid having an odor of camphor and ammonia.

LIBELED: 3-26-63, Dist. Colo.

CHARGE: 602(a)—when shipped, the label of the *Foot-Eze* contained false and misleading representations that the article was adequate and effective for preventing foot odor and as a treatment for athlete's foot; and 602(a)—the labeling of the other articles contained false and misleading representations that the articles were adequate and effective for rejuvenating the facial appearance by erasing wrinkles due to aging, and as a treatment for teen-age acne, skin blemishes, blackheads, whiteheads, and skin discoloration.

DISPOSITION: 5-29-63. Default—destruction.

#### COSMETICS ACTIONABLE BECAUSE OF INCONSPICUOUSNESS OF REQUIRED LABEL INFORMATION\*

**255. 5 Day stick deodorant.** (F.D.C. No. 48749. S. No. 13-870 V.)

QUANTITY: 84 2¼-oz. btls., at Milwaukee, Wis.

\*See also No. 244.