

# FEDERAL SECURITY AGENCY

## 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]

131-146

#### COSMETICS

The cases reported herewith were instituted in the United States district courts by the United States attorneys acting upon reports submitted by direction of the Federal Security Administrator.

WATSON B. MILLER, *Acting Administrator, Federal Security Agency.*

WASHINGTON, D. C., June 5, 1947.

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#### COSMETICS ACTIONABLE BECAUSE OF ADULTERATION WITH POISONOUS OR DELETERIOUS SUBSTANCES

**131. Action to enjoin and restrain the interstate shipment of adulterated and misbranded coal-tar colors. U. S. v. Interstate Color Co., Inc., and Samuel H. Ebert. Consent decree granting injunction. (Inj. No. 68.)**

**COMPLAINT FILED:** July 1, 1944, Southern District of New York, against the Interstate Color Co., Inc., New York, N. Y., and Samuel H. Ebert, president and treasurer of the corporation.

**NATURE OF CHARGE:** That since on or before May 11, 1943, the defendants had been introducing and delivering for introduction into interstate commerce quantities of *coal-tar colors* which were adulterated and misbranded in the following manner:

Adulteration, Section 601 (a), the articles were not hair dyes, and they contained a poisonous and deleterious substance, a dye, which may have rendered the articles injurious to users; and, Section 601 (e), they contained coal-tar colors other than from batches which had been certified in accordance with the regulations.

Misbranding, Section 602 (a), the labels bore false and misleading statements in that the colors contained in the articles were from and identical with batches certified in accordance with the regulations. The colors in the articles had been diluted by the addition of certain ingredients in an amount not to be found in the certified batches.

It was charged also that the defendants had been introducing and delivering for introduction into interstate commerce quantities of *coal-tar colors* which were adulterated and misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 1764.

**PRAYER OF COMPLAINT:** That the defendants be permanently enjoined and restrained from commission of the acts complained of.

**DISPOSITION:** January 4, 1945. The defendants having consented to the entry of a decree, the court issued an order enjoining them from introducing or delivering for introduction into interstate commerce any adulterated and misbranded drugs or cosmetics including colors consisting in whole or in part of Oil Yellow F. N., Colour Index No. 19, or Oil Yellow C., Colour Index No. 17, and all mixtures or combinations purporting to be certified mixtures which contain Crocein Orange, Colour Index No. 26. It was provided, however, that the order should not apply to the shipment of those colors for use other than as drugs or cosmetics.

**132. Adulteration of Watkins Coconut Oil Shampoo. U. S. v. The J. R. Watkins Co. Plea of guilty. Fine, \$1,000.** (F. D. C. No. 17873. Sample Nos. 97463-F, 16754-H.)

**INFORMATION FILED:** June 18, 1946, District of Minnesota, against the J. R. Watkins Co., a corporation, Winona, Minn.

**ALLEGED SHIPMENT:** Between the approximate dates of December 18, 1944, and January 16, 1945, from the State of Minnesota into the States of Wisconsin and Kansas.

**LABEL, IN PART:** "Watkins Coconut Oil Shampoo."

**NATURE OF CHARGE:** Adulteration, Section 601 (a), the article contained a poisonous and deleterious substance, alkali, which may have rendered it injurious to users under the conditions of use prescribed in the labeling and under such conditions of use as are customary or usual.

**DISPOSITION:** June 21, 1946. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$500 on each of the 2 counts.

**133. Adulteration and misbranding of Apex Bleach. U. S. v. 69 Jars of Apex Bleach. Default decree of condemnation and destruction.** (F. D. C. No. 20713. Sample No. 5093-H.)

**LABEL FILED:** August 13, 1946, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about July 10, 1946, by the Apex News and Hair Co., Inc., from Atlantic City, N. J.

**PRODUCT:** 69 1-ounce jars of *Apex Bleach* at Philadelphia, Pa. Examination showed that the product contained 6.9 percent of ammoniated mercury, and that it did not contain salicylic acid as claimed on the label.

**LABEL, IN PART:** "Apex Bleach For External Use Only \* \* \* contains approximately 5% Ammoniated Mercury, 3% Bismuth Subnitrate, Salicylic Acid and Petrolatum."

**NATURE OF CHARGE:** Adulteration, Section 601 (a), the article contained a poisonous or deleterious substance, 6.9 percent ammoniated mercury, which may have rendered it injurious to users under the following conditions of use prescribed in the labeling: "\* \* \* spread a thin film of Apex Bleach over the face, neck or arms \* \* \* Let Bleach remain on overnight or a few hours during the day. \* \* \* The cream can also be used on the neck, shoulders and arms."

Misbranding, Section 602 (a), the following label statement was false and misleading: "Contains approximately 5% Ammoniated Mercury \* \* \* Salicylic Acid."

**DISPOSITION:** September 10, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**134. Adulteration of hair lacquer. U. S. v. 37<sup>5</sup>/<sub>6</sub> Cases and 10 Bottles of Hair Lacquer. Default decree of condemnation and destruction.** (F. D. C. Nos. 19208, 19209. Sample Nos. 17272-H to 17274-H, incl.)

**LABEL FILED:** March 15, 1946, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about January 10, 1944, from Fresno, Calif.

**PRODUCT:** 15 cases, each containing 1 dozen 16-fluid-ounce bottles, 22 <sup>5</sup>/<sub>6</sub> cases, each full case containing 6 <sup>1</sup>/<sub>2</sub>-gallon bottles, and 10 16-fluid-ounce bottles, of *hair lacquer* at Chicago, Ill. This product was unclaimed merchandise which had been sold by the express company to a salvage firm.

**LABEL, IN PART:** "Flora \* \* \* Hair Lacquer," or "Lacquer."