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 The shipper having withdrawn its claim, judgment of condemnation was entered and the product was ordered destroyed.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 prosphates, 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.