

Misbranding, Section 602 (b) (2), the labels on the articles bore no statement of the quantity of the contents; and, Section 602 (b) (1), the Blanche White Special Cleansing Creme failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor.

DISPOSITION: April 11, 1949. A plea of guilty having been entered, the court imposed a fine of \$250 on count 1, suspended the imposition of sentence on the remaining counts, and placed the defendant on probation for three years.

COSMETICS ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS

179. Misbranding of Winsome Egg Creme Shampoo. U. S. v. 1,402 Jars * * *.
(F. D. C. No. 26540. Sample No. 25920-K.)

LIBEL FILED: On or about February 23, 1949, District of North Dakota.

ALLEGED SHIPMENT: On or about November 23, 1948, by Allied Home Products, Inc., from Beloit, Wis.

PRODUCT: 1,402 4-ounce jars of Winsome Egg Creme Shampoo at Fargo, N. Dak.

LABEL, IN PART: "Winsome Egg Creme Shampoo."

NATURE OF CHARGE: Misbranding, Section 602 (a), the label statement "Egg Creme Shampoo" was false and misleading since the article contained not more than $\frac{6}{100}$ of an egg per jar.

DISPOSITION: May 17, 1949. Allied Home Products, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling, under the supervision of the Federal Security Agency.

180. Misbranding of Addé Hair Pomade. U. S. v. 20 Cases * * *. (F. D. C. No. 27872. Sample No. 47620-K.)

LIBEL FILED: September 21, 1949, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about July 14, 1949, by the Adde Co., from Baltimore, Md.

PRODUCT: 20 cases, each containing 24 3½-ounce cans, of Addé Hair Pomade at Norfolk, Va.

LABEL, IN PART: (Can) "Addé Hair Pomade With Olive Oil."

NATURE OF CHARGE: Misbranding, Section 602 (a), the label statement "With Olive Oil" was false and misleading since the article was a petrolatum pomade and the label failed to reveal the material fact that the article contained an inconsequential amount of olive oil.

DISPOSITION: November 23, 1949. Default decree of condemnation and destruction.

181. Misbranding of Royal Crown Hair Dressing, Royal Crown DeLuxe Mens Pomade, Royal Crown Brilliantine, and Royal Crown Rose Hair Oil. U. S. v. 69 Dozen Cans, etc. (F. D. C. No. 27152. Sample Nos. 46128-K to 46132-K, incl.)

LIBEL FILED: April 22, 1949, Western District of Arkansas.

ALLEGED SHIPMENT: On or about February 1 and March 8, 1949, by J. Strickland & Co., from Memphis, Tenn.

PRODUCT: 69 dozen 3-ounce cans and 19 dozen 7-ounce cans of Royal Crown hair dressing, 11 dozen 1½-ounce cans of Royal Crown DeLuxe Mens Pomade,

16 dozen 3-ounce bottles of Royal Crown Brilliantine, and 72 dozen 3-ounce bottles of Royal Crown Rose Hair Oil, at Hot Springs, Ark.

Analyses showed that the hair dressing consisted essentially of petroleum jelly, perfume, and not more than 0.5 percent of olive oil; that the pomade and brilliantine consisted essentially of petroleum jelly, perfume, and not more than 1 percent of olive oil; and that the hair oil consisted of mineral oil, perfume, red coloring matter, and not more than 2.5 percent of olive oil.

LABEL, IN PART: "Royal Crown Hair Dressing with Olive Oil Contents 3 Oz. Net" [or "Contents 7 Ounces net"]; "Royal Crown DeLuxe Mens Pomade with Olive Oil Net Wt. 1½ Oz."; "Royal Crown Brilliantine with Olive Oil Contents 3 Fluid Ounces"; and "Royal Crown Rose Hair Oil with Olive Oil Contents 3 Fluid Ounces." The statement of the quantity of the contents was inconspicuously placed and was in small type.

NATURE OF CHARGE: Misbranding, Section 602 (a), the label statement "with Olive Oil" was misleading as applied to the articles containing olive oil in the percentages indicated by the above-mentioned analyses; and, Section 602 (c), the information required by law to appear on the label, namely, the statement of the quantity of the contents, was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: June 17, 1949. Default decree of condemnation and destruction.

COSMETICS ACTIONABLE BECAUSE OF FAILURE TO BEAR MANDATORY LABELING*

182. Misbranding of Elizabeth Arden Sleek (depilatory cream). U. S. v. 74 Tubes * * *. (F. D. C. No. 27627. Sample No. 13616-K.)

LABEL FILED: August 3, 1949, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about May 25 and July 1, 1949, by Elizabeth Arden, from New York, N. Y.

PRODUCT: 74 tubes of Elizabeth Arden Sleek (depilatory cream) at Philadelphia, Pa.

LABEL, IN PART: "Elizabeth Arden Sleek Net Weight 5 Oz."

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. (The article was short of the declared weight.)

DISPOSITION: August 31, 1949. Default decree of condemnation and destruction.

183. Misbranding of miscellaneous salvaged cosmetics. U. S. v. 25 Crates, etc. (F. D. C. No. 27154. Sample No. 62100-K.)

LABEL FILED: April 21, 1949, District of Massachusetts.

ALLEGED SHIPMENT: On or about April 17, 1948, by the Underwriter Salvage Co. of New York, from Providence, R. I.

PRODUCT: 25 crates and 36 cartons of miscellaneous salvaged cosmetics at West Lynn, Mass. Some of the material had been fire-damaged, and some bottles and jars were unlabeled. A number of tablets in some bottles had partially

*See also No. 178.