mouth, and all other diseases of the oral tissue, were false and misleading since the article would not be efficacious for such purposes.

On December 5, 1944, the libel proceedings against two of the California lots having been removed and consolidated for trial with two of the New York lots, and default having been duly entered thereafter against the claimant for those lots, judgment of condemnation was entered and the product was ordered destroyed. On May 20 and 22, 1944, no claimant having appeared for the remaining two lots, judgments of condemnation were entered and it was ordered that the New York lot be distributed to charitable institutions, and that the California lot be destroyed.

1287. Misbranding of Kojenol. U. S. v. 22 Bottles of Kojenol. Default decree of condemnation and destruction. (F. D. C. No. 12368. Sample No. 49976–F.)

On May 12, 1944, the United States attorney for the Western District of Pennsylvania filed a libel against 22 bottles of the above-mentioned product at Erie, Pa., alleging that the article had been shipped on or about January 11, 1943, and February 21, 1944, by the Johnstone Drug Sales Corporation, from Rochester, N. Y.; and charging that it was misbranded.

Examination showed that the article consisted essentially of oxyquinoline sulfate and water.

The article was alleged to be misbranded in that the statement on its label, "An adjuvant for use under Professional Guidance in the Treatment of Gingivitis and Pyorrhea," was false and misleading since the article would not be effective in the treatment of gingivitis and pyorrhea.

On June 29, 1944, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1288. Misbranding of phenobarbital sodium. U. S. v. 188 Ampuls of Phenobarbital Sodium (and 3 other seizure actions against the same product). Default decrees of condemnation and destruction. (F. D. C. Nos. 11641, 11651, 11702, 11740. Sample Nos. 35563–F, 51275–F, 51452–F, 57236–F, 57261–F.)

Between January 17 and February 3, 1944, the United States attorneys for the District of Massachusetts, the District of New Jersey, and the Eastern District of North Carolina filed libels against the following quantities of the above-named product: 188 ampuls at Worcester, Mass., 101 ampuls at Neptune, N. J., 160 ampuls at Raleigh, N. C., and 6 packages at Boston, Mass. On March 7, 1944, the libel against the Neptune lot was amended to cover the seizure of a total of 195 ampuls of the product at that place. It was alleged in the libels that the article had been shipped between the approximate dates of October 21, 1943, and January 3, 1944, from New York, N. Y., by the Loeser Laboratory, Inc. The article was labeled in part: "No. 410-Ampuls-100 [or "Ten"] Phenobarbital Sodium U. S. P. 2 Grains * * * Loeser Laboratory, Inc., New York, N. Y. Subsidiary of The Wm. S. Merrell Company."

The article was alleged to be misbranded in that the statements in its labeling which represented that the article contained, in each ampul, 2 grains of U. S. P. phenobarbital sodium were false and misleading since the amount of phenobarbital sodium in each ampul was not only materially in excess of that declared, but there was an excessive variation between the quantity present in the individual ampuls.

Between March 6 and 14, 1944, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

1289. Misbranding of bandage compresses. U. S. v. 21,482 Bandage Compresses. Consent decree of condemnation. Product ordered released under bond to be resterilized. (F. D. C. No. 12429. Sample No. 65940–F.)

On May 24, 1944, the United States attorney for the Southern District of New York filed a libel against 21,482 bandage compresses at Tuckahoe, N. Y., alleging that the article had been shipped on or about March 13 and 15, 1944, by the Bay Division, Parke, Davis and Co., from Versailles, Conn.; and charging that it was misbranded.

The article was alleged to be misbranded in that the statement on the label, "Sterilized," was false and misleading as applied to the bandages, which were not sterile but were contaminated with living micro-organisms.

On June 19, 1944, Parke, Davis and Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be resterilized under the supervision of the Food and Drug Administration.