

61. Adulteration and misbranding of gauze bandage. U. S. v. 49 Dozen Packages of Gauze Bandage. Default decree of condemnation and destruction. (F. D. C. No. 706. Sample No. 68240-D.)

On October 13, 1939, the United States attorney for the Southern District of New York filed a libel against 49 dozen packages of gauze bandage at New York, N. Y., alleging that the article had been shipped on or about August 18, 1939, by the Handy Pad Supply Co. from Worcester, Mass.; and charging that it was adulterated and misbranded. It was labeled in part: "Non-ravel Surgical Gauze Bandage."

It was alleged to be adulterated in that its purity or quality fell below that which it purported or was represented to possess in that it was represented to be sterile; whereas it was not sterile but was contaminated with viable micro-organisms.

It was alleged to be misbranded in that representations appearing in the labeling that it was surgical gauze bandage which had been sterilized after packaging, had been prepared especially for the medical profession and carefully manufactured under most sanitary conditions for surgical use and was guaranteed to be satisfactory, were false and misleading.

On December 1, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

62. Adulteration and misbranding of Absorbal refills. U. S. v. 9 Packages of One Reel Refill Absorbal. Default decree of condemnation and destruction. (F. D. C. No. 272. Sample No. 63611-D.)

On July 7, 1939, the United States attorney for the Eastern District of Missouri filed a libel against 9 packages of One Reel Refill Absorbal at St. Louis, Mo., alleging that the article had been shipped on or about June 1, 1939, by Edward Girvin, D. D. S., from Philadelphia, Pa.; and charging that it was adulterated and misbranded.

It was alleged to be adulterated in that its purity or quality fell below that which it purported or was represented to possess.

Misbranding was alleged in that the representation in the labeling that it had been reesterilized after packaging was false and misleading, as applied to an article that was not sterile, but was contaminated with viable micro-organisms.

On September 12, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

63. Adulteration of gauze bandage. U. S. v. 1,005 Dozen Packages, et al., of Gauze Bandage. Decree of condemnation. Product released for relabeling. (F. D. C. No. 629. Sample Nos. 47391-D to 47394-D, incl., 76816-D to 76819-D, incl.)

On September 21, 1939, the United States attorney for the District of Maryland filed a libel against 3,775 dozen packages of gauze bandage at Perry Point, Md., alleging that the article had been shipped on or about July 27, 1939, from Dayville, Conn., by the Acme Cotton Products Co.; and charging that it was adulterated. These bandages were supplied to a Government agency in accordance with Federal Standards Stock Catalogue Specifications which require that "After individual packaging, bandages shall be subjected to a sterilizing process whereby the effectively sealed packages are subjected to the action of steam heat sufficiently to raise the interior of the package to a temperature of 240 degrees F., which temperature shall then be steadily maintained as a minimum for a period of 30 minutes."

Adulteration was alleged in that the purity or quality of the article fell below that which it purported to possess.

On December 5, 1939, judgment of condemnation was entered and it was ordered that the product be released to the claimant on condition that it be relabeled "Not Sterile" or "To Be Sterilized Before Used."

64. Misbranding of First Aid Poc-Kits. U. S. v. 19 Dozen First Aid Poc-Kits. Default decree of condemnation and destruction. (F. D. C. No. 280. Sample No. 9830-D.)

On July 11, 1939, the United States attorney for the Middle District of Pennsylvania filed a libel against 19 dozen packages of First Aid Poc-Kits at Harrisburg, Pa., alleging that the article had been shipped on or about May 15, 1939, by the Hampton Manufacturing Co., Inc., from Carlstadt, N. J.; and charging that it was misbranded.

Misbranding was alleged in that representations on the kit that it was indispensable as a first aid for all minor injuries, and was a safeguard against

infection, were false and misleading since the gauze bandage and absorbent cotton were contaminated with viable micro-organisms.

On August 25, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

65. Misbranding of gauze bandage. U. S. v. 31 Dozen, 28 Dozen, and 27 Dozen Cartons of Gauze Bandage. Default decree of condemnation and destruction. (F. D. C. No. 817. Sample No. 68320-D.)

This product had been shipped in interstate commerce; and at the time of examination and while in interstate commerce, it was found to be contaminated with viable micro-organisms. It did not consist of a continuous roll of gauze but contained pieces of gauze formed into a roll.

On October 26, 1939, the United States attorney for the District of New Jersey filed a libel against 86 dozen cartons of gauze bandage at Newark, N. J., alleging that the article had been shipped on or about August 9, 1939, by the Ross Products Co. from New York, N. Y.; and charging that it was misbranded. A portion was labeled in part: "Doctors and Nurses Gauze Bandage." The remainder was labeled in part: "Physician's and Surgeon's Gauze Bandage First Aid Products Corp., N. Y."

Misbranding was alleged in that representations in the labeling that the article was appropriate for the use of doctors and nurses, physicians and surgeons, and for first aid purposes, together with cuts depicting a nurse on some of the packages, and a cut depicting a surgeon on other packages, were false and misleading as applied to an article that was not sterile but was contaminated with viable micro-organisms. It was alleged to be misbranded further in that its labeling failed to reveal a fact which was material in the light of the representations made for the article, namely, that the packages did not contain a continuous roll of gauze but contained pieces of gauze formed into one roll.

On November 21, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

66. Misbranding of absorbent cotton. U. S. v. 251 Packages of Richmond Aseptic Cotton Pellets. Default decree of condemnation and destruction. (F. D. C. No. 586. Sample No. 51940-D.)

On September 11, 1939, the United States attorney for the Eastern District of Pennsylvania filed a libel against 251 packages of absorbent cotton at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce within the period from on or about May 26 to on or about July 10, 1939, by Richmond Dental Manufacturing Co. from Niagara Falls, N. Y.; and charging that it was misbranded.

Misbranding was alleged in that the representations in the labeling that the article was aseptic, was of the finest grade of absorbent cotton, and was absolutely clean, were false and misleading since it was not sterile, was not suitable for aseptic uses, was not of the finest grade of absorbent cotton, and was not absolutely clean, but was contaminated with viable micro-organisms. It was alleged to be misbranded further in that the label was misleading since it failed to reveal the fact that the article was unsterile, which fact is material in the light of the representations made in the labeling, and material with respect to consequences which might result from the use of the article to which the labeling related under such conditions of use as are customary or usual.

On September 30, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

COSMETICS MISBRANDED UNDER PROVISIONS OF THE LAW APPLICABLE TO DRUGS

67. Adulteration and misbranding of Madam C. J. Walker's Tan-Off. U. S. v. 717 Tins of Madam C. J. Walker's Tan-Off. Default decree of condemnation and destruction. (F. D. C. No. 187. Sample No. 29435-D.)

This product contained ammoniated mercury, a poisonous or deleterious substance. It would be dangerous to health when used in the dosage or with the frequency or duration so prescribed, recommended, or suggested. Its labeling did not bear adequate directions for use and such adequate warnings against use in those pathological conditions or by children where its use might be dangerous to health or against unsafe dosage or methods or duration of administration or application in such manner and form as are necessary for the protection of users. It was recommended in the labeling for brightening sallow or dark skin, treatment of tan, freckle, and skin-blotch, and for clearing the complexion, with directions that it be applied with the tips of the fingers before retiring and