231. Misbranding of gauze bandage. U. S. v. 124 Retail Packages of Bandage. Default decree of condemnation and destruction. (F. D. C. No. 1608. Sample No. 87089-D.)

The cartons in which this product was packed contained 3 envelopes of first aid strips but they were large enough to hold approximately 9 envelopes.

On March 13, 1940, the United States attorney for the District of New Hampshire filed a libel against 124 packages of bandage at Manchester, N. H., alleging that the article had been shipped in interstate commerce within the period from on or about February 12 to on or about March 6, 1940, by Stapure Products from Boston, Mass.; and charging that it was misbranded. The article was labeled in part: "Stapure * * * Instant-Bandage."

The article was alleged to be misbranded in that its container was so made, formed, or filled as to be misleading.

On April 30, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

NONSTERILE SURGICAL DRESSINGS AND TONGUE BLADES

232. Misbranding of absorbent cotton. U. S. v. 11½ Dozen and 23½ Dozen Packages of Absorbent Cotton. Default decrees of condemnation and destruction. (F. D. C. No. 1041. Sample No. 66081-D.)

This product had been shipped in interstate commerce and was in interstate commerce at the time of examination, at which time it was found to contain viable micro-organisms. The roll of cotton in the 1½-ounce packages occupied only two-thirds of the total length of the carton.

On November 22, 1939, the United States attorney for the Southern District of Florida filed a libel against 35 dozen packages of absorbent cotton at Miami, Fla. On June 27, 1940, the libel was amended to include an additional 45⅝ dozen packages. The libel as amended alleged that the article had been shipped in interstate commerce on or about September 15 and October 31, 1939, by the Acme Cotton Products Co. from Dayville, Conn., and charged that it was misbranded. It was labeled in part: "Bonita Absorbent Cotton."

The article was alleged to be misbranded in that the representations in the labeling that it had been sterilized after packaging and was for surgical and sanitary uses, were false and misleading as applied to an article which was not sterile, but was contaminated with viable micro-organisms. The product in the 1½-ounce packages was alleged to be misbranded further in that its containers were so made, formed, or filled as to be misleading.

On July 31, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

233. Misbranding of absorbent cotton. U. S. v. 600 Dozen Packages and 300 Dozen Packages of Absorbent Cotton. Consent decree of condemnation. Product released under bond conditioned that cotton be sterilized and packages destroyed. (F. D. C. Nos. 588, 589. Sample Nos. 67868-D, 67869-D.)

This product had been shipped in interstate commerce and was in interstate commerce at the time of examination, at which time it was found to contain viable micro-organisms. The cartons were materially larger than necessary.

On September 14, 1939, the United States attorney for the Southern District of New York filed a libel against 900 packages of absorbent cotton at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 17, 1939, by Acme Cotton Products Co. from Dayville, Conn.; and charging that it was misbranded. It was labeled in part: "Acme Sterilized High Grade Surgical Absorbent Cotton"; or "Merital Cotton."

The Acme brand was alleged to be misbranded in that the representations in the labeling that it was sterilized, high-grade surgical absorbent cotton, that it was used extensively by practicing physicians, that for home use it might be relied upon for first-aid, sickroom, and nursery purposes, and that exceptional care had been used in its manufacture, were false and misleading as applied to a product which was not sterile or high grade and was not suitable for the purposes for which it was represented in said statements.

The Merital brand was alleged to be misbranded in that the statements on the label, "Merital Cotton Contents Three Ounces" and "Made by the Acme Cotton Products Co. Inc., New York, N. Q.," were false and misleading in that they failed to reveal the fact that the contents of the packages were not sterile,