236. Adulteration and misbranding of gauze bandage. U. S. v. 16¾ Gross, 756 Packages, and 65 Dozen Packages of Bandage. Default decrees of condemnation and destruction. (F. D. C. Nos. 1508, 1868, 1930. Sample Nos. 61682-D, 61683-D, 8078-E, 7336-E, 7337-E.)

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.

On February 21, April 25, and May 7, 1940, the United States attorneys for the Eastern District of Louisiana, District of Minnesota, and the Southern District of California filed libels against 16¾ gross of gauze bandage at New Orleans, La.; 756 retail packages of bandage at Le Center, Minn.; and 65 dozen retail packages of bandage at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce within the period from on or about March 23, 1939, to on or about March 13, 1940, from New York, N. Y., by the Deane Sales Co.; and charging adulteration and misbranding. Certain lots were labeled in part: "RX 110 [or "111" or "112"] Gauze Bandage * * * RX Products Co. Chicago." The remaining lot was labeled in part: "Deane's Gauze Bandage."

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

Misbranding was alleged in that the representations in the labeling of the Deane gauze bandage that it was a first aid and was sterilized, and those in the labeling of the RX bandage that it had been scientifically prepared, was designed to meet perfectly first-aid requirements, had been sterilized after packaging, and was pure, were false and misleading since the article was not sterile but was contaminated with viable micro-organisms.

On March 27, June 2, and June 5, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

237. Misbranding of bandages. U. S. v. 44 Packages each containing 10 First Aid Bandages, and 22 Packages each containing 25 First Aid Bandages. Default decree of condemnation and destruction. (F. D. C. No. 2479. Sample No. 28432-E.)

This product had been shipped in interstate commerce and was in interstate commerce at the time of examination, at which time the product in the 25-bandage size was found to be contaminated with micro-organisms. The cartons containing the 10 bandages were the same size as those containing the 25 bandages.

On August 2, 1940, the United States attorney for the District of Maryland filed a libel against 66 packages of bandages at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about July 16, 1940, by the Co-Dent Co., Inc., from Philadelphia, Pa.; and charging it was misbranded. The article was labeled in part: "Approved Products Incorporated Philadelphia."

The portion of the bandages that were labeled in part "25 First Aid Bandages" was alleged to be misbranded in that the representations in the labeling that the article was a first-aid bandage, an emergency dressing for minor injuries, and a sterile adhesive dressing to be placed over wounds, were false and misleading as applied to an article which was not sterile but was contaminated with viable micro-organisms. The portion labeled "10 First Aid Bandages" was alleged to be misbranded in that the container was so made, formed, or filled as to be misleading.

On September 11, 1940, no claimant having appeared, judgment of condemnation and destruction was entered and the product was ordered destroyed.

238. Adulteration and misbranding of gauze bandage. U. S. v. 9⅝ Gross Retail Packages of Gauze Bandage. Default decree of condemnation and order of destruction. (F. D. C. 2193. Sample No. 2766-E.)

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.

One June 12, 1940, the United States attorney for the District of Rhode Island filed a libel against 9⅝ gross of gauze bandage at Providence, R. I., alleging that the article had been shipped in interstate commerce on or about May 20, 1940, by the Hanover Sales Co. from Boston, Mass.; and charging that it was adulterated and misbranded. The article was labeled in part: "Fabco Self-Adhering Gauze Bandage * * * First Aid Bandage Co., Leominster, Mass."