244. Adulteration and misbranding of gauze bandage. U. S. v. 9 Dozen Packages and 17 Dozen Packages of Gauze Bandage. Default decree of condemnation and destruction. (F. D. C. No. 661. Sample No. 70879–D.)

This product had been shipped in interstate commerce, was in interstate commerce at the time of examination, and was found to be contaminated with viable micro-organisms at that time.

On September 30, 1939, the United States attorney for the District of Montana filed a libel against 26 dozen packages of gauze bandage at Billings, Mont., alleging that the article had been shipped on or about November 1, 1938, by the Process Corporation from Chicago, Ill.; and charging that it was adulterated and misbranded. It was labeled in part: "Pro-Co-Pax Gauze Bandage."

The article was alleged to be adulterated in that its purity fell below the professed standard and quality under which it was sold since it was not sterile but was contaminated with aerobic and anaerobic, or facultative anaerobic, spore-forming micro-organisms.

It was alleged to be misbranded in that the representations in the labeling that it consisted of a nonravel bandage which had been scientifically prepared for surgical use under sanitary manufacturing conditions, was false and misleading since it was not sterile.

On December 15, 1939, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

245. Adulteration and misbranding of bandages. U. S. v. 4 Dozen Retail Packages of Bandages. Default decree of condemnation and destruction. (F. D. C. No. 1413. Sample No. 67121–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 be contaminated with viable micro-organisms.

On January 27, 1940, the United States attorney for the Western District of Missouri filed a libel against 4 dozen packages of bandages at Kansas City, Mo., alleging that on or about November 28, 1939, the article had been shipped by the Sealtex Co. from Chicago, Ill.; and charging that it was adulterated and misbranded. The article was labeled in part: "Sealtex The Modern 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 as having been sterilized; whereas it was not sterile but was contaminated with viable micro-organisms.

The article was alleged to be misbranded in that the labeling bore representations that it had been sterilized after packaging with pressure steam heat as a doctor would sterilize bandages, and that it could be used with the knowledge that it was safe, which representations were false and misleading as applied to an article which was not sterile but was contaminated with viable micro-organisms.

On June 18, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

246. Adulteration and misbranding of gauze bandage. U. S. v. 221 Dozen Retail Packages of Gauze Bandage (and 4 other seizures of gauze bandage). Default decrees of condemnation and destruction. (F. D. C. Nos. 1420, 1595, 1731, 1873, 1890. Sample Nos. 66244–D, 78777–D, 7303–E, 7304–E, 4435–E, 20508–E.)

This product had been shipped in interstate commerce and was in interstate status at the time of examination, at which time it was found to be contaminated with viable micro-organisms.

Within the period from on or about January 31 to on or about May 8, 1940, the United States attorneys for the Western District of North Carolina, Eastern District of North Carolina, Western District of Pennsylvania, Southern District of California, and Northern District of Illinois filed libels against 221 dozen retail packages of gauze bandage at Charlotte, N. C.; 4 gross packages at Lumberton, N. C.; 39 dozen packages at Pittsburgh, Pa.; 105 dozen packages at Los Angeles, Calif.; and 54 dozen packages at Chicago, Ill., alleging that the article had been shipped in interstate commerce within the period from on or about December 8, 1939, to on or about February 27, 1940, by Supreme First Aid Co., Inc., from New York, N. Y.; and charging that it was adulterated and misbranded. The article was labeled in part: "Supreme Gauze Bandage."

The product was alleged to be adulterated in that its purity or quality fell below that which it was purported or represented as possessing since it was not sterile, but was contaminated with viable micro-organisms.