apolis, Minn., alleging that the article had been shipped in interstate commerce within the period from on or about February 15 to on or about July 29, 1940, by H. Carstens Manufacturing Co. from Chicago, Ill.; and charging that it was misbranded in that it was dangerous to health when used with the frequency or duration prescribed. The article was labeled in part "X. L. Gold Pessary."

On November 15, 1940, and February 10, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

337. Misbranding of pessaries. U. S. v. 18 Small and 47 Medium-Sized Pessaries. Default decree of condemnation and destruction. (F. D. C. No. 2671. Sample Nos. 15870–E to 15873–E, incl.)

On August 23, 1940, the United States attorney for the Eastern District of Missouri filed a libel against 18 small and 47 medium-sized pessaries at St. Louis, Mo., alleging that the article had been shipped in interstate commerce within the period from on or about April 11 to on or about August 1, 1940, by the Gomco Surgical Manufacturing Corporation from Buffalo, N. Y.; and charging that it was misbranded in that it was dangerous to health when used with the frequency or duration prescribed. The article was labeled in part: "Gomco Perfect Pessary * * * Small [or "Medium"] Size."

On September 21, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

338. Misbranding of pessaries. U. S. v. 1 Large, 10 Regular, and 4 Small-Sized Cone Pessaries (and 1 other seizure action against pessaries). Default decrees of condemnation and destruction. (F. D. C. Nos. 2714, 2780. Sample Nos. 5331–E, 6708–E.)

On August 31 and September 10, 1940, the United States attorneys for the District of Utah and the Northern District of Ohio filed libels against 1 large, 10 regular, and 4 small pessaries at Salt Lake City, Utah; and 6 large, 23 regular, and 6 small pessaries at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce on or about March 6 and August 19, 1940, by the Medex Supply Co. from Denver, Colo.; and charging that it was misbranded. The article was labeled in part: "Flexible Large Size [or "Regular" or "Small Size"] Kone Pessary."

The article was alleged to be misbranded in that it was dangerous to health when used with the frequency or duration prescribed, recommended, or suggested in the following statements in the labeling: "1—Immerse the Flexible Kone Pessary in alcohol or some other good germicidal solution and dry it. 2—Place small capsule over prongs after bringing them together. 3—Fold the soft rubber button (see fig. 4) and grasp with lock forceps. 4—With patient in a dorsal recumbent position, the speculum in place, start the pessary into the os uteri with a slight rotating or up and down motion. The pessary will find the entire length of the canal without the knowledge of the patient. 5—Hold the pessary in place for one or two minutes to allow the gelatine capsule to dissolve, thus liberating the prongs. 6—Carefully remove the speculum so as to avoid displacing the pessary. 7—In conditions where there is a marked flexion of the cervical canal, the insertion of the small end of a Sterling dilator or other suitable instrument is advised, in order to be certain that the canal is open." The lot seized at Cleveland, Ohio, was alleged to be misbranded further in that the statement "Scientific Safe" borne on the label, was false and misleading.

On October 12 and December 4, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

339. Misbranding of pessaries. U. S. v. 12 Pessaries. Default decree of condemnation and destruction. (F. D. C. No. 2625. Sample Nos. 27373–E, 27374–E.)

On August 21, 1940, the United States attorney for the Northern District of Ohio filed a libel against 12 pessaries at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce within the period from on or about June 10 to on or about July 3, 1940, by the Penn Surgical Manufacturing Co., Inc., from Philadelphia, Pa.; and charging that it was misbranded in that it was dangerous to health when used with the frequency or duration prescribed. The article was labeled in part: "Penn Plated #1 [or "#3," "#4," "#5," or "#6."]"

On September 23, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.