971. Adulteration and misbranding of absorbent cotton. U. S. v. 8 11/12 Gross Packages of Absorbent Cotton. Decree of condemnation and destruction. (F. D. C. No. 8880. Sample No. 5757-F.)

On November 13, 1942, the United States attorney for the Eastern District of Missouri filed a libel against 8 11/12 gross packages of absorbent cotton at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about September 25, 1942, by the Hampton Manufacturing Co. from Carlstadt, N. J.; and charging that it was adulterated and misbranded. The article was labeled in part: "Blue Cross * * * Sterilized Absorbent Cotton U. S. P."

The article was alleged to be adulterated in that it purported to be and was represented as a drug, the name of which is recognized in an official compendium, the United States Pharmacopoeia, but its quality and purity fell below the standard set forth therein since it did not conform to the requirements of the test for sterility of solids as provided in such compendium, but was contaminated with viable aerobic and anaerobic or facultative anaerobic micro-organisms.

It was alleged to be misbranded in that the statements appearing in its labeling "Sterilized Absorbent Cotton U. S. P. Sterilized After Packaging the Cotton in This Package Has Been Prepared Under Strict Sanitary Supervision, Carefully Packed and Sterilized, Making It Safe for Surgical or Household Use" were false and misleading as applied to an article that was not sterilized.

On December 15, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

972. Adulteration and misbranding of bandage gauze compresses. U. S. v. 8,499 Packages of Bandage Gauze Compresses. Decree of condemnation. Product ordered released under bond for resterilization and repackaging. (F. D. C. No. 9005. Sample No. 31618-F.)

On December 14, 1942, the United States attorney for the Southern District of Ohio filed a libel against 8,499 packages of bandage gauze compresses at Columbus, Ohio, alleging that the article had been shipped in interstate commerce on or about October 24, 1942, from Boston, Mass., by A. E. Halperin Co., Inc.; and charging that it was adulterated and misbranded.

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

It was alleged to be misbranded in that the statement "sterilized," appearing in its labeling, was false and misleading since such statement represented and suggested that the article was sterile, whereas, it was not sterile but was contaminated with viable bacilli and cocci.

On April 16, 1943, A. E. Halperin Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be resterilized and repackaged under the supervision of the Food and Drug Administration.

973. Adulteration and misbranding of sutures. U. S. v. 2,880, 2,880, and 1,980 Tubes of Sutures. Consent decree of condemnation. Product ordered released under bond to be resterilized. (F. D. C. No. 8499. Sample No. 32801-F.)

On October 6, 1942, the United States attorney for the Northern District of New York filed a libel against 7,740 tubes of sutures at Binghamton, N. Y., alleging that the article had been shipped in interstate commerce on or about August 25, 1942, from Boston, Mass., by Flanders-Day Co.; and charging that it was adulterated and misbranded. The article was labeled in part: "Flanders Standard Sutures and Ligatures * * * U. S. P. Surgical Catgut Sterile."

The article was alleged to be adulterated in that it purported to be and was represented as a drug, the name of which is recognized in the United States Pharmacopoeia, an official compendium, but its quality and purity fell below the standard set forth in such compendium since the sutures did not meet the test for sterility of solids, as required by that text, but were contaminated with living aerobic, sporulating bacilli.

It was alleged to be misbranded in that the statement on its label "U. S. P. Surgical Catgut Sutures Sterile" was false and misleading as applied to an article that was not sterile.

On January 8, 1943, Flanders-Day Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be resterilized under the supervision of the Food and Drug Administration.