2819. Adulteration of wound dressing. U. S. v. 128 Bottles * * *. (F. D. C. No. 27193. Sample Nos. 9467–K, 9486–K.)

LIBEL FILED: May 11, 1949, Southern District of New York.

ALLEGED SHIPMENT: The article, after its manufacture in Mount Vernon, N. Y., was transported to Jersey City, N. J., by Gershon Shugar, secretary-treasurer of Rona Laboratories, Inc., on or about October 1, 1948, where it was subjected to a sterilization process and then returned to Mount Vernon, N. Y. On or about October 18, 1948, it was shipped by Rona Laboratories, Inc., from Mount Vernon, N. Y., to New York, N. Y.

PRODUCT: 128 bottles of *wound dressing* at New York, N. Y. Examination showed that the product was not sterile but was contaminated with living micro-organisms.

LABEL, IN PART: "Clinico's Sterilized Wound Dressing Yellow Petrolatum U. S. P. Gauze 2 in. x 10 Yds."

NATURE OF CHARGE: Adulteration, Section 501 (c), the purity and quality of the article fell below that which it purported and was represented to possess since a dressing for wounds should be, and is expected to be, sterile.

DISPOSITION: July 5, 1949. Default decree of condemnation and destruction.

2820. Adulteration and misbranding of prophylactics. U. S. v. 38 Gross * * *. (F. D. C. No. 27351. Sample No. 63615–K.)

LIBEL FILED: July 1, 1949, Southern District of Florida.

ALLEGED SHIPMENT: On or about February 9, 1949, by the Killashun Sales Div., Inc., from Akron, Ohio.

PRODUCT: 38 gross of *prophylactics* at Tampa, Fla. Examination of samples showed that 6.2 percent were defective in that they contained holes.

LABEL, IN PART: "Silver Tex Prophylactic Mfd. By The Killian Mfg. Co., Akron, Ohio."

NATURE OF CHARGE: Adulteration, Section 501 (c), the quality of the article fell below that which it purported and was represented to possess.

Misbranding, Section 502 (a), the label statements "Prophylactic" and "For Your Protection" were false and misleading as applied to an article containing holes.

DISPOSITION: July 30, 1949. Default decree of condemnation and destruction.

2821. Supplement to notices of judgment on drugs, No. 2276. U. S. v. 43½ Gross and 112½ Gross of Prophylactics. (F. D. C. No. 16888. Sample Nos. 18372–H, 18373–H.)

On July 21, 1945, a libel was filed against the above-described quantities of *prophylactics*, charging that they were adulterated and misbranded by reason of the fact that they contained holes. On April 22, 1946, judgment of condemnation was entered and the court ordered that the product be released to the claimant under bond, for segregation of the good portion of the product from the bad.

An appeal was taken by the claimant, and on March 4, 1947, the judgment was affirmed. Thereafter, the claimant failed to avail itself of the opportunity to secure release of the product under bond, and on September 12, 1949, judgment of default was entered and the court ordered that the product be destroyed.