

30616. Adulteration and misbranding of surgical cotton and bandages. U. S. v. 89 Dozen and 8 Packages of Gauze Bandages (and 7 other seizure actions against similar products). Default decrees of condemnation and destruction. (F. & D. Nos. 42947, 42948, 42949, 42951, 44422, 44730, 44737, 44880. Sample Nos. 25557-D, 26519-D, 31216-D, 31217-D, 31218-D, 31761-D, 42469-D, 49009-D.)

These products had been shipped in interstate commerce and remained unsold and in the original packages. At the time of examination they were contaminated with viable micro-organisms.

Between June 17, 1938, and February 23, 1939, the United States attorneys for the Western District of Pennsylvania, the District of New Jersey, and the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of the following surgical dressings: 125 $\frac{1}{2}$ dozen packages of gauze bandages and 93 packages of absorbent cotton at Pittsburgh, Pa.; 506 dozen packages of bandages at Jersey City, N. J.; 57 cartons of surgical gauze at Newark, N. J.; 42 dozen packages of absorbent cotton at Erie, Pa.; 288 packages of absorbent cotton at Johnstown, Pa.; and 12 gross packages of gauze bandages at Boston, Mass. The libels alleged that the articles had been shipped within the period from on or about March 19, 1938, to on or about January 7, 1939, by the American White Cross Laboratories from New Rochelle, N. Y.; and that they were adulterated and misbranded in violation of the Food and Drugs Act.

The articles were alleged to be adulterated in that their purity fell below the professed standard or quality under which they were sold since certain statements on the labeling represented that they were sterilized absorbent cotton, bandages, and gauze; whereas they were not sterile, but were contaminated with viable micro-organisms.

They were alleged to be misbranded in that the following statements appearing variously on the packages were false and misleading when applied to articles that were not sterile: "Gauze Bandage Sterilized"; "Sterilized after packaging"; "White Cross Bandage * * * Are scientifically prepared under the most sanitary conditions. Absolute satisfaction guaranteed"; "Sterilized White Cross Absorbent Cotton * * * The White Cross of Perfection is your protection"; "Surgical Sanitary"; "Surgical * * * Sterling Absorbent Cotton Sterilized after Packaging"; "Sterilized * * * Surgical Gauze"; "Certified * * * This sterilized bandage has been prepared and manufactured under the most sanitary conditions. It may be used for both surgical and home uses."

Between December 28, 1938, and May 8, 1939, the claims and answers filed by the American White Cross Laboratories in the cases instituted at Pittsburgh having been withdrawn, and no claim having been entered in the remaining cases, judgments of condemnation were entered and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30617. Adulteration and misbranding of Squibb Cod Liver Oil. U. S. v. 56 Drums of Squibb Cod Liver Oil Non-Destearinated. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. No. 44868. Sample No. 48235-D.)

The strength of this product fell below the professed standard or quality under which it was sold, i. e., "Vitamin D, 175 A. O. A. C. Chick Units."

On February 18, 1939, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 56 drums of cod-liver oil at Minneapolis, Minn.; alleging that the article had been shipped in interstate commerce on or about January 19, 1939, by E. R. Squibb & Sons from Brooklyn, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its strength or purity fell below the professed standard or quality under which it was sold, i. e., "Biologically assayed for Vitamin D, 175 A. O. A. C. Chick Units" per gram; whereas in fact it contained less than 175 A. O. A. C. Chick Units Vitamin D per gram.

Misbranding was alleged in that the article bore on its label the following statement, "Biologically assayed for Vitamin D, 175 A. O. A. C. Chick Units," which statement was false and misleading, as representing that the article contained 175 A. O. A. C. Chick Units of Vitamin D per gram, when in fact it contained a less amount.

On March 27, 1939, E. R. Squibb & Sons, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*