

On April 17 and May 3, 1939, the United States attorneys for the District of New Jersey and the Southern District of Florida, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 101 dozen packages of Q-Tips at Hackensack, N. J., and 122 packages of Q-Tips at Tampa, Fla.; alleging that the article had been shipped by John M. Maris Co., Inc., in part on or about January 25, 1939, from Philadelphia, Pa., and in part on or about February 20, 1939, from New York, 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 purity fell below the professed standard or quality under which it was sold, namely, "Sterilized," since it was not sterile but was contaminated with viable micro-organisms.

Misbranding was alleged in that the following statements, designs, and devices appearing in the labeling were false and misleading when applied to an article which was not sterile and, therefore, neither safe nor sanitary, and which contained but an inconsequential trace of boric acid: (Carton, both lots) "Safe and Sanitary Boric Tipped"; (display carton, one lot) "Indispensable for Babies Sterilized"; (carton, other lot) "Sterilized"; (circular accompanying one lot) "Sterilized—Safe—Sanitary Swabs * * * Home-made swabs are dangerous, unsanitary and often carry infection. For the uses described in this folder, doctors recommend Q-Tips. Q-Tips are applicators, made * * * then sterilized. * * * tipped with boric acid. The cellophane wrapper protects Q-Tips from germs * * * To safeguard your family, keep Q-Tips in your medicine cabinet and in the nursery. For the Nursery The use of Q-Tips * * * safeguards baby's health and comfort. Cleansing Baby's Nose: Dip Q-Tip in liquid albolene, insert it only into the lower, expanded part of the nostril and twirl gently several times. * * * Cleansing Eyes: For removing hardened mucus, moisten a Q-Tip with boric Acid solution and wipe away gently. For daily cleansing of eyes, pour a weak boric acid solution on the Q-Tip and let it drip gently into the corner of the eye. * * * Q-Tips are ideally clean * * * Speck in Eye: * * * Remove speck by touching gently with * * * Q-Tip moistened."

On May 19 and June 20, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

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

30787. Adulteration and misbranding of Earakine. U. S. v. 21 Packages of Earakine. Default decree of condemnation and destruction. (F. & D. No. 44710. Sample No. 46338-D.)

Each package of this product contained a bottle of a liquid and a box of cotton. When examined the cotton was found to be contaminated with viable micro-organisms. The carton bore false and fraudulent representations regarding the curative and therapeutic effectiveness of the article. It had been shipped in interstate commerce and remained unsold and in the original packages.

On January 27, 1939, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 21 packages of Earakine at Chicago, Ill.; alleging that the article had been shipped on or about August 6, 1938, by C. S. Dent & Co. from Detroit, Mich.; and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of chloral hydrate, a small proportion of opium, phenol, glycerin, and water.

It was alleged to be adulterated in that its strength or purity fell below the professed standard or quality under which it was sold, namely, "Each Package Contains * * * Box Sterilized Cotton," since the cotton was not sterile but was contaminated with viable micro-organisms.

Misbranding was alleged in that the label statement "Each Package Contains * * * Box Sterilized Cotton" was false and misleading. Further misbranding was alleged in that the following statements appearing on the carton were statements regarding the curative and therapeutic effects of the article and were false and fraudulent: "Earakine For the Relief of Earache * * * Pour two or three drops into ear affected."

On March 14, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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