

The articles were alleged to be misbranded in that the statements "For Cuts, Minor Wounds & Abrasions," borne on the labels, were false and misleading since they created the impression that the articles were sterile and safe for use; whereas they were not sterile and were not safe for use.

On June 30 and July 10, 1939, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

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

30796. Misbranding of First-Aid Poc-Kits. U. S. v. 9½ Gross Packages of First Aid Poc-Kits. Default decree of condemnation and destruction. (F. & D. No. 45381. Sample No. 66608-D.)

This product had been shipped in interstate commerce and remained unsold and in the original packages. At the time of examination, the first-aid band, gauze bandage, and absorbent cotton contained in the kit were found to be contaminated with viable micro-organisms.

On May 29, 1939, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 9½ gross packages of First Aid Poc-Kits at Kansas City, Mo.; alleging that the article had been shipped on or about March 8, 1939, from Carlstadt, N. J., by Hampton Manufacturing Co.; and charging misbranding in violation of the Food and Drugs Act.

The article was alleged to be misbranded in that the following statements on the kit were false and misleading when applied to an article containing first-aid band, gauze bandage, and absorbent cotton that were contaminated with living micro-organisms: "First-Aid Poc-Kit for all Minor Injuries." "This Kit is your Guard Against Infection," and "Indispensable for all Minor Injuries."

On June 29, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

30797. Adulteration and misbranding of sweet spirit of nitre and paregoric. U. S. v. 228 Bottles of Spirit of Nitre and 852 Bottles of Paregoric. Default decree of condemnation and destruction. (F. & D. Nos. 44440, 44441. Sample Nos. 34684-D, 34685-D.)

These products were sold under names recognized in the United States Pharmacopoeia but differed from the pharmacopoeial standard. They also differed from their own declared standards, since the sweet spirit of nitre was labeled "Ethyl nitrite 4%" but contained ethyl nitrite varying from 2.66 to 2.98 percent, and the paregoric was labeled "Each Fluid Ounce contains ¼ grain of morphia" but contained not more than ⅓ grain of morphia per fluid ounce. Both products were short of the declared volume.

On December 1, 1938, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 228 bottles of spirit of nitre and 852 bottles of paregoric at Lynchburg, Va., consigned by Kent Drug Co., alleging that the articles had been shipped in interstate commerce on or about October 18, 1938, from Baltimore, Md.; and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

The articles were alleged to be adulterated in that they were sold under names synonymous with names recognized in the United States Pharmacopoeia, i. e., "Spirit of Ethyl Nitrite," and "Camphorated Tincture of Opium," but differed from the standard of strength, quality, and purity as determined by the tests laid down in said pharmacopoeia, and their own standards were not stated on the labels. Further adulteration of the spirit of niter was alleged in that its strength fell below the professed standard and quality under which it was sold, namely, "Ethyl Nitrite 4%," since it contained less than 4 percent of ethyl nitrate. Further adulteration of the paregoric was alleged in that its strength fell below the professed standard and quality under which it was sold, namely, (carton) "Morphia ¼ Gr. to Fl. Oz." and (bottle) "Each Fluid Ounce Contains ¼ gr. Morphia," since each fluid ounce of the article contained less than ¼ grain of morphia.

The spirit of nitre was alleged to be misbranded in that the statements, (bottle and carton) "Ethyl Nitrite 4%" and (bottle only) "Contains 6 fld. drams or over," were false and misleading and deceived and misled the purchaser since it contained less than 4 percent of ethyl nitrite, and the bottle contained less than 6 fluid drams. The paregoric was alleged to be misbranded in that the statements, (carton) "Morphia ¼ gr. to fl. Oz." and (bottle) "Each Fluid

ounce contains $\frac{1}{4}$ gr. Morphia * * * Contains 6 fld. Drams or over," were false and misleading and deceived and misled the purchaser, since it contained less than $\frac{1}{4}$ grain of morphia in each fluid ounce and the bottle contained less than 6 fluid drams.

On June 5, 1939, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

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

30798. Adulteration and misbranding of gauze bandage. U. S. v. 19 Cartons of Gauze Bandage. Default decree of condemnation and destruction. (F. & D. No. 45444. Sample No. 65689-D.)

This product had been shipped in interstate commerce and remained unsold and in the original packages. At the time of examination it was found to contain viable micro-organisms and molds.

On June 2, 1939, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 19 cartons of gauze bandage at Atlanta, Ga.; alleging that the article had been shipped on or about April 14, 1939, from Yonkers, N. Y., by Deane Sales Co.; 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 under which it was sold, namely, "Gauze Bandage Sterilized," since it was not sterile but was contaminated with viable micro-organisms.

Misbranding was alleged in that the label statement "Gauze Bandage Sterilized" was false and misleading when applied to an article that was not sterile.

On June 28, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

30799. Misbranding of gauze bandage. U. S. v. 12 Gross of Bandages. Default decree of condemnation and destruction. (F. & D. No. 45326. Sample No. 47327-D.)

This product had been shipped in interstate commerce and remained unsold and in the original packages. At the time of examination it was found to be contaminated with viable micro-organisms. It was labeled to indicate that it was sterile.

On May 11, 1939, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 gross of gauze bandages at Baltimore, Md.; alleging that the article had been shipped from Detroit, Mich., on or about December 21 and 30, 1938, by J. S. Sullivan, Inc., and from New York, N. Y., on or about January 2, 1939, by Arthur N. Fraidin; and charging misbranding in violation of the Food and Drugs Act.

The article was alleged to be misbranded in that the following statements variously appearing in the labeling were false and misleading when applied to an article that was not sterile but was contaminated with viable micro-organisms: (Carton) "Guards Against Infection," "Medi-Band," "Modern All-Purpose Bandage," "Sanitary," "An Excellent First-Aid Bandage," "Directions For Applying, * * * Cover injury with a pad of sterile gauze. Wrap Medi-band around the finger. Pulling Medi-band fairly tight * * *. Follow this method of application wherever Medi-band may be used. * * * It is a necessary first aid kit for home, office and workshop"; (circular enclosed with bandage) "The illustrations [pictures of bandage being wrapped around finger] show the method of applying Medi-Band to an injured finger. * * * you can use Medi-Band on any part of the body * * *. Cover the injury with a pad of the sterile gauze. Then wrap Medi-Band around the finger once, pulling fairly tight."

On June 8, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

30800. Misbranding of aromatic spirits of ammonia and tincture of iodine. U. S. v. The George E. Madison Co. Plea of guilty. Fine, \$200. (F. & D. No. 42671. Sample Nos. 28541-D, 39513-D.)

These products were labeled to indicate that they conformed to the standards laid down in the United States Pharmacopoeia and the National Formulary, respectively; whereas the aromatic spirits of ammonia contained a smaller amount of ammonia than required by the pharmacopoeia and the tincture of