court an information against M. S. Walker, Inc., Boston, Mass., alleging shipment by said defendant in violation of the Food and Drugs Act on or about September 13 and October 18, 1938, from the State of Massachusetts into the State of New Hampshire of quantities of the above-named products, which were misbranded. The articles were labeled in part variously: "Sterling Quality Rubbing Alcohol [or "Triple Distilled Witch Hazel," "Tasteless Pure White Russian Oil," or "Pure Norwegian Cod Liver Oil"] * * * Sterling Cut-Rate Stores of New England," or "Toppan's Rubbing Alcohol Compound * * * Distributed by the Warren Toppan Co., Manufacturing Pharmacists, Lynn, Mass."

Each of the above-named articles was alleged to be misbranded in that the statements on the labels, (rubbing alcohol) "Contents 16 Fl. Oz.," (Russian oil and cod-liver oil) "16 Fl. Oz.," (witch hazel) "Contents 8 Fluid Ounces," and (rubbing alcohol compound) "Full Pint," were false and misleading since each of the containers of the articles contained a smaller amount than that declared.

On September 19, 1939, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $10.

M. L. WILSON, *Acting Secretary of Agriculture.*

30888. Misbranding of prophylactics. U. S. v. 2-1/6 Gross of Prophylactics. Default decree of condemnation and destruction. (F. & D. No. 45491. Sample Nos. 60156–D, 60158–D.)

Samples of this product were found to be defective in that they contained holes.

On June 13, 1939, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 2⅙ gross of prophylactics at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about May 8, 1939, by Stowall & Co. from San Francisco, Calif.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Genuine Purple Goldbeaters."

It was alleged to be misbranded in that the statement regarding its therapeutic effect borne on the envelope, "for prevention of disease," was false and fraudulent since it was incapable of producing the effect claimed.

On July 7, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

30889. Adulteration and misbranding of gauze bandages. U. S. v. 12 Dozen Packages of Gauze Bandages. Default decree of condemnation and destruction. (F. & D. No. 45400. Sample No. 30728–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.

On or about May 29, 1939, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 dozen packages of gauze bandages at Big Spring, Tex.; alleging that the article had been shipped on or about March 27, 1939, by Scotch Tone Co. from Oklahoma City, Okla.; 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 of quality under which it was sold since it was represented to be sterile; whereas it was not sterile.

It was alleged to be misbranded in that the statements on the carton containing 1 dozen bandages, "Hospital Brand Gauze Bandages Sterilized after Packaging," and the statement on the carton for individual bandages, "Hospital Bandage * * * Prepared under the most sanitary and scientific conditions. Absolute satisfaction guaranteed," and the design of a nurse and a surgeon appearing on the carton containing the individual bandages, were false and misleading when applied to this article, which was not sterile but was contaminated with viable micro-organisms and therefore was unsuitable for hospital use or for use by surgeons and nurses.

On August 16, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*