

it contained alcohol and its label failed to bear a statement of the quantity and proportion of the alcohol contained therein.

On June 8, 1938, a plea of nolo contendere having been entered by the defendant, the court imposed a fine of \$50.

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

29043. Adulteration and misbranding of rubber prophylactics. U. S. v. 24 Gross of Texide. Default decree of condemnation and destruction. (F. & D. No. 42335. Sample No. 24626-D.)

Examination of samples of this product showed that some of them were defective in that they contained holes.

On May 9, 1938, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 24 gross of rubber prophylactics at St. Louis, Mo.; alleging that the article had been shipped in interstate commerce on or about January 10, 1938, from Chicago, Ill., by the Latex Distributing Co.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Texide * * * L. E. Shunk Latex Products, Inc., Akron, Ohio."

It was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold.

Misbranding was alleged in that the following statements on the labeling were false and misleading: "Prophylactics * * * guaranteed five years * * * against deterioration under normal conditions * * * for the prevention of disease."

On June 25, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

29044. Misbranding of Bismolake; adulteration and misbranding of phenobarbital tablets, Amidobar Compound Tablets, sodium fluoride tablets, ephedrine sulphate capsules, and phenobarbital sodium ampuls. U. S. v. The Lakeside Laboratories, Inc. Plea of nolo contendere. Fine, \$100. (F. & D. No. 38060. Sample Nos. 34266-B, 58002-B, 58003-B, 58005-B, 58047-B, 58073-B, 58075-B, 14313-C.)

The Bismolake contained metallic bismuth in excess of the amount declared and the remaining products, with the exception of one lot of phenobarbital sodium ampuls, contained smaller amounts of certain drugs than declared. One lot of phenobarbital sodium was represented to be sterile and free from foreign matter, whereas it was not.

On June 21, 1937, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Lakeside Laboratories, Inc., Milwaukee, Wis., alleging shipment by said defendant in violation of the Food and Drugs Act within the period from on or about December 13, 1935, to on or about September 14, 1936, from the State of Wisconsin into the State of Illinois, of quantities of the above-named pharmaceuticals of which the Bismolake was misbranded and the remaining products were adulterated and misbranded. The articles were labeled in part: "The Lakeside Laboratories, Inc., Milwaukee, Wis."

The Bismolake was alleged to be misbranded in that the statement in the labeling, "Each c.c. contains the equivalent of 45 mgms. metallic Bismuth," was false and misleading, since it represented that the article contained in each cubic centimeter not more than 45 milligrams of metallic bismuth; whereas it contained not less than 57.6 milligrams of metallic bismuth in each cubic centimeter.

The phenobarbital was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since each tablet was represented to contain 1½ grains of phenobarbital; whereas each tablet contained not more than 1.29 grains of phenobarbital. The article was alleged to be misbranded in that the statement on the label, "Phenobarbital * * * C. T. * * * 1½ grs.," was false and misleading.

The Amidobar Compound was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since each tablet was represented to contain 1 grain of barbital; whereas each tablet contained not more than 0.68 grain of barbital. The article was alleged to be misbranded in that the statement on the label, "Barbital 1 Gr.," was false and misleading.

The sodium fluoride was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since each tablet was represented to contain 1/2 grain of sodium fluoride, whereas each tablet contained not more than 0.39 grain of sodium fluoride. The article was alleged to be misbranded in that the statement on the label, "Sodium Fluoride 1/2 Gr.," was false and misleading.

The ephedrine sulphate was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since each capsule was represented to contain 3/4 grain of ephedrine sulphate; whereas each capsule contained not more than 0.65 grain of ephedrine sulphate. The article was alleged to be misbranded in that the statement on the label, "Ephedrine Sulphate Capsules 3/4 Gr.," was false and misleading.

One lot of the phenobarbital sodium was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since each 2 cubic centimeters of the article was represented to contain 5 grains of phenobarbital sodium; whereas each 2 cubic centimeters of the article contained not more than 4.2 grains of phenobarbital sodium. This lot was alleged to be misbranded in that the statement on the label, "2 cc Phenobarbital Sodium," was false and misleading. The other lot of phenobarbital sodium was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since if used for injection as directed, it should have been sterile and free from foreign matter; whereas the contents of the ampuls were not sterile, but contained micro-organisms, and they were not free from foreign matter, but contained animal hair.

On May 20, 1938, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$100.

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

29045. Misbranding of gauze bandages and absorbent cotton. U. S. v. 5 Gross of Gauze Bandages, et al. Default decree of condemnation and destruction. (F. & D. Nos. 42280 to 42283, incl. Sample Nos. 23438-D to 23441-D, incl.)

Both of these products were contaminated with viable micro-organisms, and some of the bandages were contaminated with viable molds.

On April 29, 1938, the United States attorney for the Western District of Washington, 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 and 10 gross packages of absorbent cotton at Seattle, Wash.; alleging that the articles had been shipped in interstate commerce on or about March 4, 1938, from Carlstadt, N. J., by Hampton Manufacturing Co.; and charging misbranding in violation of the Food and Drugs Act.

The gauze bandages were alleged to be misbranded in that the statements on the label, "This * * * bandage has been scientifically prepared for surgical use under sanitary manufacturing conditions. Packed in cartons so that it may be easily opened and protect the unused portion which may be kept in the box," were false and misleading when applied to unsterile gauze which could not be used safely for surgical purposes.

The absorbent cotton was alleged to be misbranded in that the statements on the label, "This cotton is of fine quality, prepared primarily for surgical use. Can be conveniently used in the home, nursery and factory," were false and misleading when applied to an article which was contaminated with viable micro-organisms, and which therefore was not safe for use and could not be conveniently used.

On June 23, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

29046. Adulteration and misbranding of prophylactics. U. S. v. 20 Gross of Prophylactics (and three similar seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 41687, 42336, 42368, 42369. Sample Nos. 10105-D, 25482-D, 25483-D, 27401-D.)

Examination of samples of this product showed that some of them were defective in that they contained holes.

On February 12 and May 10 and 13, 1938, three United States attorneys, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 27 1/3 gross of rubber