It was alleged to be misbranded in that the labeling bore the statement that it had been sterilized after packaging, which statement was false and misleading as applied to an article that was not sterile.

On December 18, 1939, claim and answer having been withdrawn by the intervenor, judgment of condemnation was entered and the product was ordered destroyed.

122. Adulteration and misbranding of surgical dressings. U. S. v. 12 Dozen Cartons of Gauze Bandages and 70 Packages of Surgical Gauze. Decrees of condemnation and destruction. (F. D. C. Nos. 549, 755. Sample Nos. 30800-D, 57961-D.)

This product had been shipped in interstate commerce and was in an interstate status when examined; at that time it was found to be contaminated with viable micro-organisms.

On September 6 and October 17, 1939, the United States attorneys for the District of Colorado and the Southern District of California filed libels against 12 dozen cartons of gauze bandages at Denver, Colo., and 70 packages of surgical gauze at Los Angeles, Calif., consigned by the American White Cross Laboratories, alleging that the article had been shipped on or about March 9 and May 1, 1939, from New Rochelle, N. Y.; and charging that it was adulterated and misbranded. It was labeled in part: "Hospital Bandage" or "Sterilized White Cross Surgical Gauze."

It was alleged in the libel that the article was adulterated in that its purity and quality fell below that which it purported or was represented to possess.

The hospital bandage was alleged to be misbranded in that its labeling bore representations that it had been sterilized after packaging, that it was a suitable hospital bandage, that it had been prepared under the most sanitary and scientific conditions, and that absolute satisfaction was guaranteed; and the design of a surgeon and a nurse, which representations and design were false and misleading when applied to an article that was not sterile and therefore was not suitable for hospital use or use by surgeons and nurses, and which had not been prepared under the most scientific conditions. The surgical gauze was alleged to be misbranded in that its labeling bore the representation that it was surgical gauze, which representation was false and misleading when applied to an article that was not sterile and was not suitable for use in clinics.

On September 19 and November 9, 1939, no claim having been entered for the product, judgments of condemnation were entered and it was ordered destroyed.

123. Misbranding of Nelson's First Aid Treated Strips. U. S. v. 35¼ Gross of Nelson's First Aid Treated Strips. Default decree of condemnation and destruction. (F. D. C. No. 1146. Sample No. 68576-D.)

This product had been shipped in interstate commerce and was in an interstate status when examined; and at that time it was found to be contaminated with viable micro-organisms. It was labeled to indicate that it contained an appreciable amount of boric acid, but it contained only a trace of boric acid.

On December 7, 1939, the United States attorney for the Southern District of New York filed a libel against 35¼ gross packages of the above-named product at New York, N. Y., alleging that the article had been shipped on or about October 10 and 27, 1939, by the Gero Products, Inc., from South Boston, Mass.; and charging that it was misbranded.

It was alleged to be misbranded in that representations in the labeling that it should be applied to the wound as a first aid for minor cuts, wounds, and abrasions and that it was borated, were false and misleading when applied to an article which was not sterile and which contained an insignificant amount of boric acid.

On February 1, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

124. Misbranding of gauze bandage. U. S. v. 80 Cartons of Gauze Bandage. Default decree of condemnation and destruction. (F. D. C. No. 1163. Sample No. 82598-D.)

This product had been shipped in interstate commerce and was in interstate commerce when examined; at that time it was found to be contaminated with viable micro-organisms.

On December 9, 1939, the United States attorney for the Western District of North Carolina filed a libel against 80 cartons of gauze bandage at Charlotte, N. C., alleging that the article had been shipped in interstate commerce on or about