

244. Adulteration and misbranding of gauze bandage. U. S. v. 9 Dozen Packages and 17 Dozen Packages of Gauze Bandage. Default decree of condemnation and destruction. (F. D. C. No. 661. Sample No. 70879-D.)

This product had been shipped in interstate commerce, was in interstate commerce at the time of examination, and was found to be contaminated with viable micro-organisms at that time.

On September 30, 1939, the United States attorney for the District of Montana filed a libel against 26 dozen packages of gauze bandage at Billings, Mont., alleging that the article had been shipped on or about November 1, 1938, by the Process Corporation from Chicago, Ill.; and charging that it was adulterated and misbranded. It was labeled in part: "Pro-Co-Pax Gauze Bandage."

The article was alleged to be adulterated in that its purity fell below the professed standard and quality under which it was sold since it was not sterile but was contaminated with aerobic and anaerobic, or facultative anaerobic, spore-forming micro-organisms.

It was alleged to be misbranded in that the representations in the labeling that it consisted of a nonravel bandage which had been scientifically prepared for surgical use under sanitary manufacturing conditions, was false and misleading since it was not sterile.

On December 15, 1939, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

245. Adulteration and misbranding of bandages. U. S. v. 4 Dozen Retail Packages of Bandages. Default decree of condemnation and destruction. (F. D. C. No. 1413. Sample No. 87121-D.)

This product had been shipped in interstate commerce and was in interstate commerce at the time of examination, at which time it was found to be contaminated with viable micro-organisms.

On January 27, 1940, the United States attorney for the Western District of Missouri filed a libel against 4 dozen packages of bandages at Kansas City, Mo., alleging that on or about November 28, 1939, the article had been shipped by the Sealtex Co. from Chicago, Ill.; and charging that it was adulterated and misbranded. The article was labeled in part: "Sealtex The Modern Bandage."

It was alleged to be adulterated in that its purity or quality fell below that which it purported or was represented to possess, in that it was represented as having been sterilized; whereas it was not sterile but was contaminated with viable micro-organisms.

The article was alleged to be misbranded in that the labeling bore representations that it had been sterilized after packaging with pressure steam heat as a doctor would sterilize bandages, and that it could be used with the knowledge that it was safe, which representations were false and misleading as applied to an article which was not sterile but was contaminated with viable micro-organisms.

On June 18, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

246. Adulteration and misbranding of gauze bandage. U. S. v. 221 Dozen Retail Packages of Gauze Bandage (and 4 other seizures of gauze bandage). Default decrees of condemnation and destruction. (F. D. C. Nos. 1420, 1595, 1731, 1873, 1890. Sample Nos. 66244-D, 78777-D, 7303-E, 7304-E, 4435-E, 20508-E.)

This product had been shipped in interstate commerce and was in interstate status at the time of examination, at which time it was found to be contaminated with viable micro-organisms.

Within the period from on or about January 31 to on or about May 8, 1940, the United States attorneys for the Western District of North Carolina, Eastern District of North Carolina, Western District of Pennsylvania, Southern District of California, and Northern District of Illinois filed libels against 221 dozen retail packages of gauze bandage at Charlotte, N. C.; 4 gross packages at Lumberton, N. C.; 39 dozen packages at Pittsburgh, Pa.; 105 dozen packages at Los Angeles, Calif.; and 54 dozen packages at Chicago, Ill., alleging that the article had been shipped in interstate commerce within the period from on or about December 8, 1939, to on or about February 27, 1940, by Supreme First Aid Co., Inc., from New York, N. Y.; and charging that it was adulterated and misbranded. The article was labeled in part: "Supreme Gauze Bandage."

The product was alleged to be adulterated in that its purity or quality fell below that which it was purported or represented as possessing since it was not sterile, but was contaminated with viable micro-organisms.

It was alleged to be misbranded in that the representation that it had been sterilized after packaging, was false and misleading as applied to a product which was contaminated with viable micro-organisms. A portion was alleged to be misbranded further in that the representation in the labeling that it was a first-aid dressing for emergencies was false and misleading as applied to an article that was not fit for use as a first-aid dressing for emergencies.

Within the period from on or about February 29 to on or about June 24, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

247. Misbranding of gauze pads. U. S. v. 375 Boxes of Redi Dressing. Default decree of condemnation and destruction. (F. D. C. No. 1581. Sample No. 81346-D.)

This product had been shipped in interstate commerce, was in interstate commerce at the time of examination, and was found to be contaminated with viable micro-organisms at that time.

On March 6, 1940, the United States attorney for the Western District of New York filed a libel against 375 boxes of Redi-Dressing at Buffalo, N. Y., alleging that the article had been shipped by the Handy Pad Supply Co. from Worcester, Mass., on or about January 25, 1940; and charging that it was misbranded.

The article was alleged to be misbranded in that the representation in the labeling that it was a protective dressing for minor injuries was false and misleading, since it was not a protective dressing for minor injuries in that it was not sterile but was contaminated with viable micro-organisms.

On March 25, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

248. Misbranding of first aid kits. U. S. v. 29 Dozen First Aid Kits. Default decree of condemnation and destruction. (F. D. C. No. 1917. Sample No. 6363-E.)

This product had been shipped in interstate commerce and was in interstate commerce at the time of examination, at which time the gauze bandages and absorbent cotton in the kits were found to contain viable micro-organisms. The containers of the various products making up the kits were, with the exception of that of the absorbent cotton, unnecessarily large.

On May 24, 1940, the United States attorney for the District of Montana filed a libel against 29 dozen packages of first aid kits at Butte, Mont., alleging that the article had been shipped in interstate commerce on or about March 30, 1940, by the American White Cross Laboratories from New Rochelle, N. Y.; and charging that it was misbranded. The article was labeled in part: "White Cross Emergency First Aid Kits."

It was alleged to be misbranded in that the statement on the packages "The White Cross of Perfection is Your Protection"; and the representations in the labeling that it was an Emergency First Aid Kit; that it contained sterilized surgical dressings for emergency first aid were false and misleading since it was contaminated with viable micro-organisms. It was alleged to be misbranded further in that its containers were so made, formed, or filled as to be misleading since the cartons containing the individual products with the exception of the absorbent cotton, were in all cases larger than was required, the gauze bandage occupying approximately 29 percent, the adhesive tape approximately 50 percent, and the adhesive strip bandage approximately 25 percent of the available space of their respective containers. The bottles containing the mercurochrome were of extremely thick glass.

On July 30, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

249. Adulteration and misbranding of first aid kits and bandage. U. S. v. 21 First Aid Kits and 28 Packages of First Aid Bandages. Decrees of condemnation and destruction. (F. D. C. Nos. 2410, 2411. Sample Nos. 3852-E, 3853-E.)

The first aid kits had been shipped in interstate commerce and were in interstate commerce at the time of examination, at which time the absorbent cotton, the gauze bandages, and the gauze pads in the kits were found to be contaminated with viable micro-organisms. They were also misbranded because of failure to meet certain requirements of the law with respect to labeling, and the cartons containing the individual items were, in most instances, unnecessarily large. The first aid bandages contained mercurochrome