It was alleged to be misbranded in that its label failed to bear a statement of the quantity or proportion of alcohol, ether, and chloroform since it contained materially less alcohol, chloroform, and ether than the amounts stated on the label.

On August 8, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

DRUGS IN DECEPTIVE CONTAINERS OR FALSELY LABELED AS TO QUANTITY OF CONTENTS[4]

314. Misbranding of mineral oil. U. S. v. 48 Bottles of Mineral Oil. Default decree of condemnation and destruction. (F. D. C. No. 3259. Sample No. 36431-E.)

This product was short of the declared volume.

On October 26, 1940, the United States attorney for the District of New Hampshire filed a libel against 48 bottles of mineral oil at Nashua, N. H, alleging that the article had been shipped in interstate commerce on or about August 23, 1940, by M. S. Walker, Inc., from Boston, Mass.; and charging that it was misbranded in that the statement "1 Quart," borne on the label, was false and misleading since it was incorrect. The article was labeled in part: "Sterling * * * 1 Quart Mineral Oil."

On December 11, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

315. Misbranding of Kotalko. U. S. v. 59½ Dozen Packages of Kotalko. Default decree of condemnation and destruction. (F. D. C. No. 1672. Sample No. 10461-E.)

This product was contained in a wooden box which occupied only 20.7 percent or less of the capacity of the cardboard carton in which it was packed. The wooden boxes also contained less than the weight declared on the label.

On March 21, 1940, the United States attorney for the District of New Jersey filed a libel against 59½ dozen packages of Kotalko at Jersey City, N. J., alleging that the article had been shipped in interstate commerce on or about February 20, 1940, by the Kotalko Sales Co. from New York, N. Y.; and charging that it was misbranded. It was labeled in part: "For the Scalp Kotalko For the Hair."

The article was alleged to be misbranded in that the statements "Net Weight ¾ Oz." and "Net Weight 25 gm." were not accurate statements of the quantity of the contents, since the package contained a smaller amount. It was alleged to be misbranded further in that its container was so made, formed, or filled as to be misleading.

It was also alleged to be misbranded under the provisions of the law applicable to cosmetics, as reported in notices of judgment on cosmetics.

On January 31, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

316. Misbranding of Dr. Scholl's Moleskin Adhesive Plaster. U. S. v. 149½ Dozen Packages of Adhesive Plaster. Default decree of condemnation. Product delivered to a charitable institution. (F. D. C. No. 2380. Sample No. 10939-E.)

The containers of this product were unnecessarily large and could have held approximately twice as much of the product as they did.

On July 19, 1940, the United States attorney for the Southern District of New York filed a libel against 149½ dozen packages of adhesive plaster at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about June 22, 1940, by the Arno Plaster Corporation from Michigan City, Ind.; and charging that it was misbranded in that its container was so made, formed, or filled as to be misleading.

On September 26, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

NONSTERILE SURGICAL DRESSINGS

317. Misbranding of surgical absorbent cotton. U. S. v. 216 Packages of Surgical Absorbent Cotton. Default decree of condemnation and destruction. (F. D. C. No. 1826. Sample No. 13608-E.)

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.

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[4] See also Nos. 282, 296, 298, 305, 311.