It was alleged to be misbranded in that the statement, "5 percent Carbon Dioxide," borne on the labeling was false and misleading when applied to a drug that contained not more than 3.4 percent of carbon dioxide.

On December 22, 1942, a plea of guilty having been entered, the court imposed a fine of $50 on each count, or a total of $200.

866. Adulteration and misbranding of medical carbon dioxide. U. S. v. 4 Cylinders of Medical Carbon Dioxide. Default decree of condemnation. Product ordered destroyed. (F. D. C. No. 7527. Sample No. 91275–E.)

On May 18, 1942, the United States attorney for the Eastern District of Wisconsin filed a libel at Milwaukee, Wis., against 4 cylinders of medical carbon dioxide, alleging that the article had been shipped on or about March 12, 1942, by Wall Chemicals Division of the Liquid Carbonic Corp., from Chicago, Ill.

Carbon dioxide is an article described in the United States Pharmacopoeia as an odorless gas. Examination of the gas contained in the cylinders showed that it had a pronounced odor which was due to nitric oxide.

The article was alleged to be adultered in that it purported to be a drug the name of which was recognized in an official compendium, but its quality or purity fell below the standard set forth in such compendium. It was also adulterated in that the article was a drug, and a substance, nitric oxide, had been mixed with it so as to reduce its quality.

The article was alleged to be misbranded in that the following statements appearing on the tag attached to the cylinder were false and misleading as applied to an article that did not conform to the approved specifications for such gas: "The Purity of the contents of this cylinder has been determined and recorded. It conforms to the approved specifications for this gas * * *."

On October 8, 1942, no claimant having appeared, decree of condemnation was entered and the product was ordered destroyed.

867. Adulteration and misbranding of sutures. U. S. v. 684 Tubes of Surgical Sutures. Default decree of condemnation. Product ordered destroyed. (F. D. C. No. 8151. Sample No. 74663–E.)

On August 17, 1942, the United States attorney for the Eastern District of New York filed a libel at Brooklyn, N. Y., against 684 tubes of surgical sutures, alleging that the article had been shipped in interstate commerce on or about March 28, 1942, by W. J. Prendergast from Chicago, Ill. The article was labeled in part: "Davis Surgical Gut U. S. P. C Medium Chromic (20-Day) Boilable 277 2."

Examination showed that the sutures were not sterile, but were contaminated with living aerobic spore-bearing bacilli.

The article was alleged to be adulterated in that it purported and was represented to be a drug recognized in the United States Pharmacopoeia and its purity fell below the standard set forth in such compendium, since the article was not sterile.

The article was alleged to be misbranded in that the statement in the labeling, "Guaranty Davis Sutures are guaranteed sterile," was false and misleading since the article was not sterile.

On October 26, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

868. Adulteration and misbranding of sutures. U. S. v. 1,092 Sutures. Default decree of condemnation and destruction. (F. D. C. No. 7398. Sample No. 84939–E.)

Examination of this product showed it to be contaminated with viable spore-bearing bacteria.

On April 27, 1942, the United States attorney for the Eastern District of New York filed a libel against 1,092 sutures at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about March 23, 1942, by W. J. Prendergast Co. from Chicago, Ill.; and charging that it was adulterated and misbranded. The article was labeled in part "Davis Sutures Surgical Gut U. S. P. * * * Davis Sutures Inc. Chicago."

The article was alleged to be adulterated in that it purported to be and was represented as a drug, surgical gut, the name of which is recognized in the United States Pharmacopoeia, and its quality and purity fell below the standard set forth in that compendium since the article was not sterile.

It was alleged to be misbranded in that the two statements, (carton) "Surgical Gut U. S. P.," and (leaflet) "Davis Sutures are guaranteed sterile, and to remain sterile until tubes are opened," were false and misleading since the article did not