

labeled in part: "Twin-Tips Manufactured Solely for the Williams Company, 17 Water St., New York City."

Adulteration was alleged in that the purity and quality of the article fell below that which it purported or was represented to possess. It was alleged to be misbranded in that representations in the labeling that it was sanitary and had been manufactured from sterilized cotton under a process that assured the most sanitary swab obtainable were false and misleading as applied to the article, since it was not sterile but was contaminated with viable micro-organisms.

On January 25, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

117. Misbranding of first aid kits. U. S. v. 44 First Aid Kits. Default decree of condemnation and destruction. (F. D. C. No. 891. Sample No. 73029-D.)

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

On November 8, 1939, the United States attorney for the Northern District of California filed a libel against 44 first aid kits at San Francisco, Calif., alleging that the article had been shipped on or about August 15, 1939, by the American White Cross Laboratories, Inc., from New Rochelle, N. Y.; and charging that it was misbranded. It was labeled in part: "All Purpose First Aid Kits."

Misbranding was alleged in that representations in the labeling that it had been sterilized after packaging, would afford protection, was an all purpose first aid kit, was a first aid for emergency treatment of minor injuries, such as small cuts and burns in order to prevent infection, together with designs of a sterilizer and of a nurse and surgeon also appearing in the labeling, were false and misleading when applied to absorbent cotton which was not sterile but was contaminated with viable micro-organisms.

On December 21, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

118. Adulteration and misbranding of first aid kits. U. S. v. 49 Packages and 99 Packages of First Aid Kits. Default decrees of condemnation and destruction. (F. D. C. Nos. 998, 1012. Sample Nos. 70693-D, 73033-D.)

This product had been shipped in interstate commerce and was in an interstate status when examined; at that time the gauze bandage in the Lone Ranger kits and the absorbent cotton in the Emergency kits were found to be contaminated with viable micro-organisms.

On or about November 17, 1939, the United States attorneys for the Northern District of California and the District of Wyoming filed libels against 99 packages of first aid kits at San Francisco, Calif., and 49 packages of first aid kits at Laramie, Wyo., alleging that the former had been shipped on or about August 7, 1936, and that the latter had been shipped on or about November 10, 1938, by the American White Cross Laboratories from New Rochelle, N. Y.; and charging that the article was misbranded. It was labeled in part: "White Cross Emergency First Aid Kit"; or "Official Lone Ranger First Aid Kits."

Both lots were alleged to be misbranded in that representations in the labeling of the Emergency kits that they had been sterilized and would afford protection, and those in the labeling of the Lone Ranger kits that they had been sterilized after packaging, would afford protection and had been scientifically prepared under the most sanitary conditions, were false and misleading as applied to an article which contained gauze bandages or absorbent cotton which was contaminated with viable micro-organisms.

The Lone Ranger kits were alleged to be adulterated in that their quality fell below that which they were purported and were labeled as possessing, namely, "Sterilized."

On December 21, 1939, no claim having been entered for the goods seized at San Francisco, Calif., judgment of condemnation and destruction was entered. On the same date the American White Cross Laboratories, Inc. having appeared as claimant for the goods seized at Laramie, Wyo., and having consented to the entry of a decree, judgment of condemnation was entered; the decree, however, contained a provision for release of the goods under bond conditioned that it be disposed of according to law. On February 2, 1940, the claimant having failed to comply with the terms of the decree, the goods were ordered destroyed.