

119. Misbranding of absorbent cotton and adulteration and misbranding of surgical gauze. U. S. v. 24 Packages of Absorbent Cotton, 96 Packages and 23 Packages of Surgical Gauze. Default decree of condemnation and destruction. (F. D. C. Nos. 1024, 1025. Sample Nos. 73030-D, 73031-D, 73032-D.)

These products had been shipped in interstate commerce and were in interstate commerce when examined, and at that time they were found to be contaminated with viable micro-organisms.

On November 21, 1939, the United States attorney for the Northern District of California filed a libel against 24 packages of absorbent cotton and 119 packages of surgical gauze at San Francisco, Calif., alleging that the articles had been shipped on or about January 20 and September 18, 1937, by American White Cross Laboratories, Inc., from New Rochelle, N. Y.; and charging misbranding of the absorbent cotton, and adulteration and misbranding of the surgical gauze. The articles were labeled in part: "Sterilized White Cross Absorbent Cotton [or "Surgical Gauze"]."

Both products were alleged to be misbranded in that the statements, "Sterilized" and "The White Cross of Perfection is your Protection," appearing on the cartons, were false and misleading when applied to articles that were not sterile but were contaminated with viable micro-organisms.

The surgical gauze was also alleged to be adulterated in that its purity or quality fell below that which it purported or was represented to possess.

On December 22, 1939, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

120. Adulteration and misbranding of Pro-Tex Adhesive Bandage. U. S. v. 36 Dozen Packages of Pro-Tex Adhesive Gauze Bandage. Default decree of condemnation and destruction. (F. D. C. No. 1288. Sample No. 83361-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.

On January 6, 1940, the United States attorney for the District of Idaho filed a libel against 36 dozen packages of Pro-Tex Adhesive Gauze Bandage at Wallace, Idaho, alleging that the article had been shipped on or about November 22, 1937, by the Pro-Tex Laboratories from Yelm, Wash.; and charging that it was adulterated and misbranded.

Adulteration was alleged in that its purity or quality fell below that which it purported or was represented to possess since its labeling indicated that it was sterile, whereas it was not sterile.

It was alleged to be misbranded in that representations in the labeling that it would afford protection, was safe, sanitary, was unconditionally guaranteed; that it should be applied directly over the wound "if no sterile gauze is available"; that it was made by processing pure sterilized gauze; that it had been sterilized in the process of manufacture; that it would permit air to circulate about the wound, thus permitting nature to aid in the healing process; that it was used extensively by hospitals and every branch of the medical profession, including physicians and surgeons and veterinarians; that it was effective for home use and would protect cuts and abrasions; that it was guaranteed for 1 year from the date of purchase, together with a picture of a foot with a bandage illustrating how it might be used for protecting heel blisters, were false and misleading when applied to an article which was not sterile but was contaminated with viable micro-organisms.

On January 31, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

121. Adulteration and misbranding of selvage gauze. U. S. v. 8 Packages of Curity Selvage Gauze. Default decree of condemnation and destruction. (F. D. C. No. 749. Sample No. 73825-D.)

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

On October 17, 1939, the United States attorney for the District of Massachusetts filed a libel against eight packages of Curity Selvage Gauze at Walpole, Mass., alleging that the article had been shipped in interstate commerce on or about August 4, 1939, by Lewis Manufacturing Co. from Chicago, Ill.; and charging that it was adulterated and misbranded.

Adulteration was alleged in that its purity or quality fell below that which it purported or was represented to possess, namely, "Sterilized," since it was not sterile but was contaminated with viable micro-organisms.