

DISPOSITION: November 16, 1950. The Meer Corp., New York, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the products be released under bond for segregation and destruction of the unfit portion, under the supervision of the Federal Security Agency. The segregation operations resulted in the destruction of 187 pounds of orrisroot and 372 pounds of chamomile flowers.

DEVICES ACTIONABLE BECAUSE OF DEVIATION FROM OFFICIAL OR OWN STANDARDS*

3349. Adulteration and misbranding of clinical thermometers. U. S. v. 25 Cartons * * *. (F. D. C. No. 30238. Sample No. 85788-K.)

LIBEL FILED: November 13, 1950, Southern District of Texas.

ALLEGED SHIPMENT: On or about October 4, 1950, by the Arvesen Thermometer Corp., from Brooklyn, N. Y.

PRODUCT: 25 cartons each containing 2 dozen *clinical thermometers* at Galveston, Tex. Examination of 23 thermometers showed that 2 failed to meet the requirement in the United States Department of Commerce Standard C. S. 1-42 for clinical thermometers for accuracy of readings, and that 13 additional thermometers failed to meet the test for entrapped gas, required by the above standard.

LABEL, IN PART: (Carton) "Fahrenheit Clinical Thermometers."

NATURE OF CHARGE: Adulteration, Section 501 (c), the quality of the article fell below that which it purported or was represented to possess, namely, "Clinical Thermometers."

Misbranding, Section 502 (a), the following statements in the labeling of the article were false and misleading since the article did not comply with the United States Department of Commerce Standard C. S. 1-42 for clinical thermometers: "We, the undersigned Manufacturers, hereby certify that our registering clinical thermometer marked No. has been examined and tested and found to meet all the requirements and tests specified in the United States Department of Commerce, Commercial Standard C. S. 1-42 for Clinical Thermometers * * *."

DISPOSITION: December 20, 1950. Default decree of condemnation and destruction.

3350. Adulteration and misbranding of clinical thermometers. U. S. v. 4 Gross * * *. (F. D. C. No. 30239. Sample No. 81877-K.)

LIBEL FILED: November 10, 1950, Southern District of Florida.

ALLEGED SHIPMENT: On or about October 13, 1950, by the Cardinal Thermometer Co., from Brooklyn, N. Y.

PRODUCT: 4 gross of *clinical thermometers* at Miami, Fla. Examination of 24 thermometers showed that 6 failed to give readings of the claimed accuracy; that 1 was a retreater; and that 1 failed to meet the hard shaker test. The normal temperature arrow on 1 thermometer pointed to the 99° mark.

LABEL, IN PART: "Cardinal Oral."

NATURE OF CHARGE: Adulteration, section 501 (c), the quality of the article fell below that which it purported and was represented to possess, namely, "Clinical Thermometer" and "correct within plus or minus 2/10 F." at 98°, 102°, and 106°.

*See also No. 3342.