

4131. Adulteration and misbranding of first aid kits. U. S. v. 414 First Aid Kits * * *. (F. D. C. No. 34465. Sample No. 69257-L.)

LIBEL FILED: January 6, 1953, District of Colorado.

ALLEGED SHIPMENT: On or about November 13, 1952, by the E. D. Bullard Co., from San Francisco, Calif.

PRODUCT: 414 *first aid kits*, consisting of a metal case with a hinged lid and containing first aid supplies at Denver, Colo.

The kits contained, among other items, an unlabeled glass ampul covered with a mesh cloth and a tube of ointment. Analysis of the contents of the glass ampul showed that it contained ammonia, a red color, and aromatic substances. Analysis of the ointment showed that it contained less than the declared 1.5 percent of carbolic acid.

LABEL, IN PART: (Tube) "Carbolated Petrolatum (Carbolic Acid 1.5%) Kip, Inc. Los Angeles 21, Calif. 1/8-oz. Avoir."

NATURE OF CHARGE: Adulteration, Section 501 (c), the strength of the component of the article labeled, in part, "Carbolated Petrolatum" differed from that which it was represented to possess since it contained less than 1.5 percent of carbolic acid.

Misbranding, Section 502 (b) (1) and (2), the article contained in the unlabeled glass ampul failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; and, Section 502 (e) (2), the article in the ampul was fabricated from two or more ingredients, and it failed to bear a label containing the common or usual name of each active ingredient.

DISPOSITION: May 21, 1953. Default decree of condemnation. The court ordered that the unlabeled glass ampuls and the tubes of ointment be removed from the first aid kits and destroyed, and that after such removal and destruction, the first aid kits be given to a Federal institution for its use and not for sale.

DRUGS ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS

DRUGS FOR HUMAN USE*

4132. Action for declaratory judgment or injunction. Research Laboratories, Inc., v. Robert E. Hannegan, et al. Complaint dismissed.

COMPLAINT FILED: On or about August 8, 1947, Research Laboratories, Inc., Portland, Oreg., plaintiff, filed a complaint in the United States District Court for the District of Columbia, against Robert E. Hannegan (Post Office Department), Watson B. Miller (Federal Security Agency), and Paul B. Dunbar (Food and Drug Administration).

NATURE OF CHARGE: It was alleged in the complaint, with respect to matters arising under the Federal Food, Drug, and Cosmetic Act, (1) that the Food and Drug Administration had initiated against a drug known as *Nue-Ovo* several libel for condemnation proceedings in the district courts during the period between 1929 and the time of filing the complaint; (2) that at least three "hearings" under Section 305 of the Act had been conducted by the Food and Drug Administration's representatives, which "hearings," it was alleged, were a means of further harassing the plaintiff and those associated with it; (3) that the Federal Trade Commission, between 1930 and 1935, conducted extensive investigation of the plaintiff's conduct, but no regulatory action

*See also Nos. 4127-4129.