

The sodium fluoride was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since each tablet was represented to contain 1/2 grain of sodium fluoride, whereas each tablet contained not more than 0.39 grain of sodium fluoride. The article was alleged to be misbranded in that the statement on the label, "Sodium Fluoride 1/2 Gr.," was false and misleading.

The ephedrine sulphate was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since each capsule was represented to contain 3/4 grain of ephedrine sulphate; whereas each capsule contained not more than 0.65 grain of ephedrine sulphate. The article was alleged to be misbranded in that the statement on the label, "Ephedrine Sulphate Capsules 3/4 Gr.," was false and misleading.

One lot of the phenobarbital sodium was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since each 2 cubic centimeters of the article was represented to contain 5 grains of phenobarbital sodium; whereas each 2 cubic centimeters of the article contained not more than 4.2 grains of phenobarbital sodium. This lot was alleged to be misbranded in that the statement on the label, "2 cc Phenobarbital Sodium," was false and misleading. The other lot of phenobarbital sodium was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since if used for injection as directed, it should have been sterile and free from foreign matter; whereas the contents of the ampuls were not sterile, but contained micro-organisms, and they were not free from foreign matter, but contained animal hair.

On May 20, 1938, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$100.

M. L. WILSON, *Acting Secretary of Agriculture.*

29045. Misbranding of gauze bandages and absorbent cotton. U. S. v. 5 Gross of Gauze Bandages, et al. Default decree of condemnation and destruction. (F. & D. Nos. 42280 to 42283, incl. Sample Nos. 23438-D to 23441-D, incl.)

Both of these products were contaminated with viable micro-organisms, and some of the bandages were contaminated with viable molds.

On April 29, 1938, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 gross of gauze bandages and 10 gross packages of absorbent cotton at Seattle, Wash.; alleging that the articles had been shipped in interstate commerce on or about March 4, 1938, from Carlstadt, N. J., by Hampton Manufacturing Co.; and charging misbranding in violation of the Food and Drugs Act.

The gauze bandages were alleged to be misbranded in that the statements on the label, "This * * * bandage has been scientifically prepared for surgical use under sanitary manufacturing conditions. Packed in cartons so that it may be easily opened and protect the unused portion which may be kept in the box," were false and misleading when applied to unsterile gauze which could not be used safely for surgical purposes.

The absorbent cotton was alleged to be misbranded in that the statements on the label, "This cotton is of fine quality, prepared primarily for surgical use. Can be conveniently used in the home, nursery and factory," were false and misleading when applied to an article which was contaminated with viable micro-organisms, and which therefore was not safe for use and could not be conveniently used.

On June 23, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29046. Adulteration and misbranding of prophylactics. U. S. v. 20 Gross of Prophylactics (and three similar seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 41687, 42336, 42368, 42369. Sample Nos. 10105-D, 25482-D, 25483-D, 27401-D.)

Examination of samples of this product showed that some of them were defective in that they contained holes.

On February 12 and May 10 and 13, 1938, three United States attorneys, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 27 1/3 gross of rubber

and animal membrane prophylactics in various lots at Miami, Fla.; Denver, Colo.; and New York, N. Y.; alleging that the articles had been shipped in interstate commerce on January 29, March 1, and May 2, 1938, from Atlanta, Ga., by the Olympia Laboratory; and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part variously: "Excello's," "Pickaniny," or "Amazons."

They were alleged to be adulterated in that their strength fell below the professed standard or quality under which they were sold.

Misbranding was alleged in that the following statements variously appearing in the labeling of the several lots were false and misleading: (Excello's) "The perfected latex * * * For Prevention of Disease"; (Pickaniny) "Of the best Grade * * * Highest Quality. The merchandise which you will find in this package is made of the very best material. * * * Air tested and guaranteed 100% perfect * * * For the prevention of contagious diseases"; (Amazons) "Air Tested 100% Perfect * * * Choicest grade * * * Highest Quality * * * the prevention of contagious diseases * * * made of the very best material."

On May 27, and June 7 and 11, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29047. Adulteration and misbranding of rubber prophylactics. U. S. v. 2 Gross, et al., of Rubber Prophylactics (and one similar action). Default decrees of condemnation and destruction. (F. & D. Nos. 41987 to 41990, incl., 42006. Sample Nos. 8739-D to 8742-D, incl., 12093-D, 12094-D.)

Examination of samples of this product showed that some of them were defective in that they contained holes.

On March 19 and 21, 1938, the United States attorneys for the Eastern District of Michigan and the District of Connecticut, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 6 gross of rubber prophylactics at Flint, Mich., and 48 gross of the product at New Haven, Conn.; alleging that the articles had been shipped in interstate commerce on or about March 4 and 7, 1938, from New York, N. Y., by the Aaronoff Rubber Co.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled variously in part: "Kamelskin," or "X-Ray," "Gold-Tip," or "Kingtex."

It was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold.

Misbranding was alleged in that the following statements, variously appearing on the labels of the several lots, were false and misleading: (Kamelskin) "Skin * * * Prophylactic * * * For Prevention of Disease * * * Guaranteed Five Years * * * age defying As an added protection to health Kamelskin is triple tested"; (X-Ray) "Disease Preventative Five Years Guarantee * * * Triple Air Tested"; (Gold-Tip) "Safest Prophylactic Guaranteed Five Years Triple Air Tested Disease Preventative"; (Kingtex) "Disease Preventative Guaranteed Five Years Triple Air Tested."

On May 4 and 9, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29048. Adulteration and misbranding of Astra-D. U. S. v. 4 Cans of Astra-D. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. No. 40416. Sample No. 15197-C.)

This product contained fewer units of vitamin D per gram than represented on its label.

On October 1, 1937, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of four cans of Astra-D at Milwaukee, Wis.; alleging that the article had been shipped in interstate commerce on or about July 26, 1937, from Los Angeles, Calif., by Lancaster, Inc., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Astra-D * * * Lancaster, Inc. * * * Los Angeles, Calif."

It was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, namely, "Vitamin D * * * Twenty Thousand U S P Units per Gram," since it did not contain 20,000 U S P units of vitamin D per gram, but did contain a much less amount,