

misleading since each dram of the article contained tincture of nux vomica and elixir calisaya N. F. in excess of the amount represented.

On February 13, 1939, the defendants entered pleas of guilty and were each sentenced to pay a fine of \$10.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**30246. Adulteration and misbranding of sanitary cotton swabs and tongue blades. U. S. v. 21 Cartons of Cotton Swabs and Tongue Blades. Default decree of condemnation and destruction. (F. & D. No. 44550. Sample No. 19769-D.)**

These products, which had been shipped in interstate commerce and remained unsold and in the original packages, at the time of examination were found to be contaminated with viable micro-organisms. The swabs were labeled to indicate that they contained an appreciable amount of boric acid; whereas they contained but an inconsequential trace of boric acid.

On December 17, 1938, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 21 cartons of sanitary swabs and tongue blades at Minneapolis, Minn.; alleging that the articles had been shipped in interstate commerce on or about October 15, 1938, by the Woltra Co., Inc., from New York, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The articles were alleged to be adulterated in that their purity fell below the professed standard or quality under which they were sold, namely, (carton) "Made from sterilized absorbent cotton," since they were not sterile but were contaminated with viable micro-organisms and contained but an inconsequential trace of boric acid.

Misbranding was alleged in that the statements in the labeling, (envelope) "Sanitary applicators with cotton swabs and tongue blades (borated)" and (carton) "Sanitary cotton swab applicators with tongue blades," "Made from sterilized absorbent cotton and dipped in boric acid," and "Sanitary cotton swab applicators are approved and recommended by doctors and nurses," together with designs of a surgeon and a nurse, a man applying an applicator to mouth of boy, and nurse applying an applicator to eye of infant, were false and misleading when applied to articles which were not sterile and which contained but an inconsequential trace of boric acid.

On February 18, 1939, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**30247. Misbranding of Wyant's Eye-Bright. U. S. v. 15 Packages of Wyant's Eye-Bright. Default decree of condemnation and destruction. (F. & D. No. 44493. Sample No. 19867-D.)**

The labeling of this veterinary product bore false and fraudulent representations regarding its curative and therapeutic effects.

On or about February 6, 1939, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 packages of Wyant's Eye-Bright at Cedar Rapids, Iowa; alleging that the article had been shipped in interstate commerce on or about July 26, 1938, by E. M. Wyant from Los Angeles, Calif.; and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Wyant's Eye-Bright (Eye Salve for Horses and Cattle)."

Analysis showed that the article consisted essentially of calomel, oil of sassafras, and an ointment base.

Misbranding was alleged in that the following statements regarding the curative and therapeutic effects of the article, appearing in the labeling, were false and fraudulent: "Eye-Bright \* \* \* for cataract. Periodic Ophthalmia (Moon Blindness) Inflammation of the eyes from any cause. Removes the white or opaque substance that forms on the eyes, caused by pinkeye, epizootic, distemper, etc. \* \* \* Non-poisonous \* \* \* gives instant relief in cases of inflammation, \* \* \* Brightens the eyes."

On February 24, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*