

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

30376-30400

[Approved by the Acting Secretary of Agriculture, Washington, D. C., May 8, 1939]

30376. Misbranding of gauze bandages. U. S. v. 18 Cartons of Gauze Bandage. Default decree of condemnation and destruction. (F. & D. No. 44251. Sample No. 40125-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be contaminated with viable micro-organisms.

On October 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 18 cartons of gauze bandages at Yelm, Wash.; alleging that the article had been shipped on or about September 12, 1938, by Kearny Wholesale Drug Co. from San Francisco, Calif.; and charging misbranding in violation of the Food and Drugs Act.

The article was alleged to be misbranded in that the following statements on the labels were false and misleading when applied to an article which was contaminated with viable micro-organisms: (Carton label) "Pro-Tex," "Safe," "Sanitary," "Unconditionally guaranteed," "Apply Pro-Tex directly over wound if no sterile gauze is available"; and (circular) "Pro-Tex Adhesive Gauze Bandage is made by processing pure * * * sterilized gauge. Pro-Tex is sterilized in the process of manufacturing. It * * * permits air to circulate about the wound, thus nature is permitted to aid in the natural healing processes. Pro-Tex is extensively used by hospitals and every branch of the medical profession including physicians and surgeons, veterinarians * * * [picture of foot with bandage] Fig. 11 shows how Pro-Tex may be used for protecting heel blisters," "For home use * * * to protect * * * cuts and abrasions;" "Pro-Tex is guaranteed for one year from the date of purchase."

On February 25, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

30377. Adulteration and misbranding of prophylactics. U. S. v. 7 Gross and 1,896 Prophylactics. Default decrees of condemnation and destruction. (F. & D. Nos. 44290, 44329, 44333, 44334. Sample Nos. 25063-D, 45013-D, 45016, 45018-D.)

Samples of these products were found to be defective in that they contained holes.

On November 12 and 18, 1938, the United States attorney for the Northern District of Florida, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 7 gross and 1,896 prophylactics in various lots at Tallahassee, Crestview, and Panama City, Fla.; alleging that the article had been shipped in interstate commerce on or about September 30 and October 19, 1938, by A. G. Vining from Atlanta, Ga.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part "Pro-Medico."

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