

to be contaminated with viable micro-organisms. It was labeled to indicate that it was sterile.

On February 14, 1939, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 19 packages of Absorbal refills at Washington, D. C.; alleging that the article had been shipped on or about December 28, 1938, by Edward Girvin from Philadelphia, Pa.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, "sterile" since it was not sterile but was contaminated with viable micro-organisms.

It was alleged to be misbranded in that the following statement on the package: "Re Sterilized after Packaging," was false and misleading when applied to an article that was not sterile but was contaminated with viable micro-organisms.

On March 6, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

30392. Misbranding of Nomoppin. U. S. v. 34 Bottles, et al., of Nomoppin. Default decree of condemnation and destruction. (F. & D. No. 44761. Sample No. 25196-D.)

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

On or about February 3, 1939, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 45 bottles of Nomoppin at Tampa, Fla.; alleging that the article had been shipped in interstate commerce on or about July 15, 1938, by the McMillan Drug Co. from Columbia, S. C.; and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of arsenous acid (2.0 grams per 100 cc.), a small proportion of potassium carbonate, and water.

The article was alleged to be misbranded in that certain statements on the labeling, regarding its curative and therapeutic effectiveness, falsely and fraudulently represented that it was effective as an internal remedy for chicken sorehead, as a preventative of chicken sorehead, and as a tonic for poultry.

On February 3, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

30393. Adulteration and misbranding of gauze bandages. U. S. v. 59 Dozen, 112 Dozen, and 44 Dozen Packages of Gauze Bandages. Default decree of condemnation and destruction. (F. & D. No. 44729. Sample No. 31760-D.)

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

On January 26, 1939, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 215 dozen packages of gauze bandages at Erie, Pa.; alleging that the article had been shipped within the period from on or about August 26 to November 23, 1938, by the Deane Sales Co. from Yonkers, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration was alleged in that the purity of the article fell below the professed standard or quality under which it was sold, namely, (carton) "Gauze Bandage Sterilized," since the article was not sterile but was contaminated with viable micro-organisms.

Misbranding was alleged in that the statement on the carton, "Gauze Bandage Sterilized," was false and misleading when applied to an article which was not sterile.

On March 23, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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