

cure of sore and bleeding nipples, and which contained directions that the shields be applied as soon after delivery as possible, that in using them the only attention required was to wipe the nipple previously to nursing and to apply the shield again immediately afterwards, and that they were in no way likely to be injurious to the infant, in view of the failure of the labeling to reveal facts material in the light of such representations or material with respect to consequences which might result from the use prescribed in the labeling thereof, or under such conditions of use as are customary or usual, and because of failure of the labeling to reveal the material fact that fatal lead poisoning might result in infants fed from breasts of mothers using the appliance.

On October 5, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

82. Misbranding of Dr. Wansbrough's Metal Nipple Shields. U. S. v. 21 Boxes of Dr. Wansbrough's Metal Nipple Shields. Default decree of condemnation and destruction. (F. D. C. No. 132. Sample No. 42160-D.)

On January 25, 1939, the United States attorney for the Eastern District of Pennsylvania filed a libel against 21 boxes of the above-named product at Philadelphia, Pa.; alleging that the article had been shipped in interstate commerce on or about December 21, 1938, by Meinecke & Co. from New York, N. Y.; and charging that it was misbranded.

The article was alleged to be misbranded in that it was dangerous to health when used in the dosage or with the frequency prescribed, recommended, or suggested in the labeling, which contained directions that in using the device the only attention required was to wipe the nipple previous to sucking, and to apply the shield again immediately afterwards, and which contained representations that the device was in no way likely to be injurious to the infant.

On February 15, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

83. Misbranding of metallic nipple shields. U. S. v. 10 Boxes and 22 Packages of Asepticon Metallic Nipple Shields. Default decrees of condemnation and destruction. (F. D. C. Nos. 164, 169. Sample Nos. 9829-D, 59366-D.)

February 10 and 14, 1939, the United States attorneys for the District of New Jersey and the Eastern District of Pennsylvania filed libels against 10 boxes of nipple shields at Passaic, N. J., and 22 packages of nipple shields at Philadelphia, Pa.; alleging that the article had been shipped in interstate commerce on or about January 16 and February 7, 1939, by Max Weiss & Sons, Inc., from New York, N. Y.; and charging that it was misbranded.

The article was alleged to be misbranded in that it was dangerous to health when used in the dosage, or with the frequency prescribed, recommended, or suggested in the labeling, in which it was recommended for the prevention and relief of sore nipples, particularly in view of the failure of the labeling to reveal facts material in the light of such representations or material with respect to consequences which might result from the use of the article to which the labeling related under the conditions prescribed in the labeling, or under such conditions of use as are customary or usual, and because of failure of the labeling to reveal the material fact that fatal lead poisoning might result in infants fed from breasts of mothers using the appliance.

On March 9 and 13, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

84. Misbranding of lead nipple shields. U. S. v. 1,027 Pairs of Lead Nipple Shields (and one other seizure action against the same product). Default decrees of condemnation and destruction. (F. D. C. Nos. 141, 146, 147. Sample Nos. 45750-D, 45751-D, 53391-D.)

On January 27 and February 6, 1939, the United States attorneys for the Eastern District of Missouri and the Northern District of Illinois filed libels against 1,027 pairs of lead nipple shields at St. Louis, Mo., and 281 pairs of the same product at Chicago, Ill.; alleging that the article had been shipped in interstate commerce by the Gem Surgical Products Co., Inc., from New York, N. Y., within the period from on or about September 29 to on or about December 20, 1938; and charging that it was misbranded.

The article was alleged to be misbranded in that it was dangerous to health when used as suggested in the labeling, in which the device was designated as a nipple shield.

On March 16 and 17, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.