

SURGICAL DRESSINGS

Nos. 59 to 66, inclusive, report the seizure and disposition of surgical dressings which were in interstate commerce at the time of examination and which were found to be contaminated with viable micro-organisms at that time.

59. Adulteration and misbranding of gauze bandages and absorbent cotton. U. S. v. 31 Dozen Packages of Gauze Bandages (and 6 other seizure actions against surgical dressings). Default decrees of condemnation and destruction. (F. D. C. Nos. 256, 281, 494, 507, 679, 680, 754. Sample Nos. 52193-D, 52194-D, 54929-D, 57965-D, 59474-D, 74014-D, 74015-D.)

Between July 10 and October 17, 1939, the United States attorneys for the Northern District of Illinois, the Southern and Western Districts of New York, the District of Rhode Island, and the Southern District of California filed libels against 31 dozen packages of gauze bandages at Chicago, Ill., 8 gross packages of absorbent cotton at New York, N. Y., 103 dozen packages of gauze bandages at Buffalo, N. Y., 30 dozen packages of absorbent cotton at Providence, R. I., and 282 dozen packages of absorbent cotton at Los Angeles, Calif.; alleging that the articles had been shipped within the period from on or about November 26, 1938, to on or about September 8, 1939, by the Acme Cotton Products Co., Inc., that certain shipments had been made from Dayville and East Killingley, Conn., into the States of New York and Rhode Island, and that two of the shipments had been made from New York, N. Y., into the States of Illinois and California; and charging that they were adulterated and misbranded. The bandages were labeled in part: "Sterilized After Packaging" or "Sterilized After Packing." The absorbent cotton was labeled in part: "Hospital Surgical Absorbent Cotton" or "Sterilized [or "Purified"] Surgical Absorbent Cotton."

The articles were alleged to be adulterated in that their purity or quality fell below that which they purported or were represented to possess, since they were not sterile.

They were alleged to be misbranded in that representations appearing variously in the labeling that the products had been sterilized after packaging, had been purified, were suitable for hospital and surgical use, had been processed to a high degree of refinement, were recommended for use on wounds and abrasions, in the sickroom and for first-aid purposes, were of high grade and reliable quality, were extensively used by practicing physicians and surgeons, and that exceptional and exacting care was used in manufacture, were false and misleading when applied to products which were not sterile but were contaminated with viable micro-organisms.

Between September 2 and November 9, 1939, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

60. Adulteration and misbranding of compress bandages. U. S. v. 100 Cartons of Compress Bandages. Default decree of condemnation and destruction. (F. D. C. Nos. 593, 594. Sample Nos. 63137-D, 63138-D.)

On or about September 13, 1939, the United States attorney for the Southern District of Texas, filed a libel against 100 cartons of compress bandages at Houston, Tex., alleging that the article had been shipped on or about August 11, 12, and 19, 1939, by the Mine Safety Appliance Co. from Pittsburgh, Pa.; and charging that it was adulterated and misbranded.

Adulteration was alleged in that the purity and quality of the article fell below that which it purported or was represented to possess, in that its labeling represented that it had been sterilized after packaging; whereas it was not sterile but was contaminated with viable micro-organisms.

Misbranding was alleged in that representations in the labeling that it had been sterilized after packaging, that the wound should be covered by gauze pad and bound, that the wound or pad should not be touched with the hands, that the compress should be placed directly over the wound, that the surface of compress to go on the wound should not be touched, were false and misleading in that they created the impression that the article was sterile and was suitable for use directly upon wounds; whereas it was not sterile and was not suitable for use directly upon wounds.

On October 14, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.