

infection, were false and misleading since the gauze bandage and absorbent cotton were contaminated with viable micro-organisms.

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

65. Misbranding of gauze bandage. U. S. v. 31 Dozen, 28 Dozen, and 27 Dozen Cartons of Gauze Bandage. Default decree of condemnation and destruction. (F. D. C. No. 817. Sample No. 68320-D.)

This product had been shipped in interstate commerce; and at the time of examination and while in interstate commerce, it was found to be contaminated with viable micro-organisms. It did not consist of a continuous roll of gauze but contained pieces of gauze formed into a roll.

On October 26, 1939, the United States attorney for the District of New Jersey filed a libel against 86 dozen cartons of gauze bandage at Newark, N. J., alleging that the article had been shipped on or about August 9, 1939, by the Ross Products Co. from New York, N. Y.; and charging that it was misbranded. A portion was labeled in part: "Doctors and Nurses Gauze Bandage." The remainder was labeled in part: "Physician's and Surgeon's Gauze Bandage First Aid Products Corp., N. Y."

Misbranding was alleged in that representations in the labeling that the article was appropriate for the use of doctors and nurses, physicians and surgeons, and for first aid purposes, together with cuts depicting a nurse on some of the packages, and a cut depicting a surgeon on other packages, were false and misleading as applied to an article that was not sterile but was contaminated with viable micro-organisms. It was alleged to be misbranded further in that its labeling failed to reveal a fact which was material in the light of the representations made for the article, namely, that the packages did not contain a continuous roll of gauze but contained pieces of gauze formed into one roll.

On November 21, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

66. Misbranding of absorbent cotton. U. S. v. 251 Packages of Richmond Aseptic Cotton Pellets. Default decree of condemnation and destruction. (F. D. C. No. 586. Sample No. 51940-D.)

On September 11, 1939, the United States attorney for the Eastern District of Pennsylvania filed a libel against 251 packages of absorbent cotton at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce within the period from on or about May 26 to on or about July 10, 1939, by Richmond Dental Manufacturing Co. from Niagara Falls, N. Y.; and charging that it was misbranded.

Misbranding was alleged in that the representations in the labeling that the article was aseptic, was of the finest grade of absorbent cotton, and was absolutely clean, were false and misleading since it was not sterile, was not suitable for aseptic uses, was not of the finest grade of absorbent cotton, and was not absolutely clean, but was contaminated with viable micro-organisms. It was alleged to be misbranded further in that the label was misleading since it failed to reveal the fact that the article was unsterile, which fact is material in the light of the representations made in the labeling, and material with respect to consequences which might result from the use of the article to which the labeling related under such conditions of use as are customary or usual.

On September 30, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

COSMETICS MISBRANDED UNDER PROVISIONS OF THE LAW APPLICABLE TO DRUGS

67. Adulteration and misbranding of Madam C. J. Walker's Tan-Off. U. S. v. 717 Tins of Madam C. J. Walker's Tan-Off. Default decree of condemnation and destruction. (F. D. C. No. 187. Sample No. 29435-D.)

This product contained ammoniated mercury, a poisonous or deleterious substance. It would be dangerous to health when used in the dosage or with the frequency or duration so prescribed, recommended, or suggested. Its labeling did not bear adequate directions for use and such adequate warnings against use in those pathological conditions or by children where its use might be dangerous to health or against unsafe dosage or methods or duration of administration or application in such manner and form as are necessary for the protection of users. It was recommended in the labeling for brightening sallow or dark skin, treatment of tan, freckle, and skin-blotch, and for clearing the complexion, with directions that it be applied with the tips of the fingers before retiring and