

NONSTERILE SURGICAL DRESSINGS

114. Adulteration and misbranding of cotton swab applicators. U. S. v. 89½ Dozen Sanitary Cotton Swab Applicators (and 2 other seizure actions against the same product). Default decrees of condemnation. Destruction or other lawful disposition ordered. (F. D. C. Nos. 1269, 1270, 1271. Sample Nos. 76895-D, 76910-D, 76912-D.)

This product had been shipped in interstate commerce and was in an interstate status at the time of examination, at which time it was found to be contaminated with viable micro-organisms.

On December 29, 1939, the United States attorneys for the District of Columbia and the District of Maryland filed libels against 122½ dozen cotton swabs at Washington, D. C., and 56 dozen packages of the same product at Baltimore, Md., alleging that the article had been shipped in interstate commerce within the period from on or about October 27 to on or about December 14, 1939, by the Woltra Co., Inc., from New York, N. Y.; 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, since its labeling created the impression that it was sterile; whereas it was not sterile but was contaminated with viable micro-organisms.

It was alleged to be misbranded in that its labeling bore a design of a surgeon and a nurse, another of a physician using an applicator in the mouth of a boy, and a third of a nurse using it on the eye of an infant; and bore representations that it was a sanitary cotton swab applicator, was approved and recommended by doctors and nurses, and had been made from sterilized absorbent cotton and dipped in boric acid, which designs and representations were false and misleading since they created the impression that the article was sterile; whereas it was not.

On January 23 and 25, 1940, no claimant having appeared, judgments of condemnation were entered and destruction or other lawful disposition of the product was ordered.

115. Adulteration and misbranding of cotton swab applicators. U. S. v. 75 Cartons of Cotton Swab Applicators. Default decree of condemnation and destruction. (F. D. C. No. 1056. Sample No. 84357-D.)

This product had been shipped in interstate commerce and was in an interstate status when examined, at which time it was found to be contaminated with viable micro-organisms. It was labeled to indicate that it contained a substantial amount of boric acid but contained no more than a trace of boric acid.

On November 21, 1939, the United States attorney for the Eastern District of Missouri filed a libel against 75 cartons of cotton swab applicators at St. Louis, Mo., alleging that the article had been shipped on or about August 23, 1939, by the Woltra Co., Inc., from New York, N. Y.; and charging that it was adulterated and misbranded. It was labeled in part: "Sanitary Cotton Swab Applicators with Tongue Blade."

Adulteration was alleged in that the strength of the article differed from and its purity or quality fell below that which it purported or was represented to possess.

It was alleged to be misbranded in that representations in the labeling that it was made from sterilized absorbent cotton and dipped in boric acid, and that it was approved and recommended by doctors and nurses were false and misleading as applied to an article which was not sterile but which was contaminated with viable micro-organisms and which contained an insignificant amount of boric acid.

On January 19, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

116. Adulteration and misbranding of Twin-Tips. U. S. v. 44½ Dozen Packages of Twin-Tips. Default decree of condemnation and destruction. (F. D. C. No. 1268. Sample No. 76911-D.)

This product was in interstate commerce when examined, at which time it was found to be contaminated with viable micro-organisms.

On December 29, 1939, the United States attorney for the District of Columbia filed a libel against 44½ dozen packages of Twin-Tips at Washington, D. C., alleging that the article was in possession of the Washington Wholesale Drug Exchange, Washington, D. C., and was being offered for sale in the District of Columbia; and charging that it was adulterated and misbranded. It was

labeled in part: "Twin-Tips Manufactured Solely for the Williams Company, 17 Water St., New York City."

Adulteration was alleged in that the purity and quality of the article fell below that which it purported or was represented to possess. It was alleged to be misbranded in that representations in the labeling that it was sanitary and had been manufactured from sterilized cotton under a process that assured the most sanitary swab obtainable were false and misleading as applied to the article, since it was not sterile but was contaminated with viable micro-organisms.

On January 25, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

117. Misbranding of first aid kits. U. S. v. 44 First Aid Kits. Default decree of condemnation and destruction. (F. D. C. No. 891. Sample No. 73029-D.)

This product had been shipped in interstate commerce and was in an interstate status at the time of examination, at which time the absorbent cotton in the kits was found to be contaminated with viable micro-organisms.

On November 8, 1939, the United States attorney for the Northern District of California filed a libel against 44 first aid kits at San Francisco, Calif., alleging that the article had been shipped on or about August 15, 1939, by the American White Cross Laboratories, Inc., from New Rochelle, N. Y.; and charging that it was misbranded. It was labeled in part: "All Purpose First Aid Kits."

Misbranding was alleged in that representations in the labeling that it had been sterilized after packaging, would afford protection, was an all purpose first aid kit, was a first aid for emergency treatment of minor injuries, such as small cuts and burns in order to prevent infection, together with designs of a sterilizer and of a nurse and surgeon also appearing in the labeling, were false and misleading when applied to absorbent cotton which was not sterile but was contaminated with viable micro-organisms.

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

118. Adulteration and misbranding of first aid kits. U. S. v. 49 Packages and 99 Packages of First Aid Kits. Default decrees of condemnation and destruction. (F. D. C. Nos. 998, 1012. Sample Nos. 70698-D, 73033-D.)

This product had been shipped in interstate commerce and was in an interstate status when examined; at that time the gauze bandage in the Lone Ranger kits and the absorbent cotton in the Emergency kits were found to be contaminated with viable micro-organisms.

On or about November 17, 1939, the United States attorneys for the Northern District of California and the District of Wyoming filed libels against 99 packages of first aid kits at San Francisco, Calif., and 49 packages of first aid kits at Laramie, Wyo., alleging that the former had been shipped on or about August 7, 1936, and that the latter had been shipped on or about November 10, 1938, by the American White Cross Laboratories from New Rochelle, N. Y.; and charging that the article was misbranded. It was labeled in part: "White Cross Emergency First Aid Kit"; or "Official Lone Ranger First Aid Kits."

Both lots were alleged to be misbranded in that representations in the labeling of the Emergency kits that they had been sterilized and would afford protection, and those in the labeling of the Lone Ranger kits that they had been sterilized after packaging, would afford protection and had been scientifically prepared under the most sanitary conditions, were false and misleading as applied to an article which contained gauze bandages or absorbent cotton which was contaminated with viable micro-organisms.

The Lone Ranger kits were alleged to be adulterated in that their quality fell below that which they were purported and were labeled as possessing, namely, "Sterilized."

On December 21, 1939, no claim having been entered for the goods seized at San Francisco, Calif., judgment of condemnation and destruction was entered. On the same date the American White Cross Laboratories, Inc. having appeared as claimant for the goods seized at Laramie, Wyo., and having consented to the entry of a decree, judgment of condemnation was entered; the decree, however, contained a provision for release of the goods under bond conditioned that it be disposed of according to law. On February 2, 1940, the claimant having failed to comply with the terms of the decree, the goods were ordered destroyed.