1029. Adulteration and misbranding of vitamin B elixir. U. S. v. 33 Bottles of Hart's Vitamin B Elixir. Default decree of condemnation and destruction. (F. D. C. No. 8173. Sample No. 70908–E.)

This product contained 13.8 milligrams of nicotinic acid per fluid ounce.

On August 24, 1942, the United States attorney for the Northern District of Georgia filed a libel against 33 bottles, each containing ½ pint, of Hart's Vitamin B Elixir at Atlanta, Ga., alleging that the article had been shipped on or about June 8, 1942, from New Orleans, La., by E. J. Hart and Co., Ltd.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that its strength differed from and its quality fell below that which it was represented to possess on its label, 20 milligrams of nicotinic acid per fluid ounce.

It was alleged to be misbranded in that the label statement, "Each Fluidounce contains: * * * Nicotinic Acid 20 mg.," was false.

It was also alleged to be adulterated and misbranded under the provisions of the law applicable to foods as reported in notices of judgment on foods, No. 5775.

On May 6, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1030. Adulteration and misbranding of prophylactics. U. S. v. 8 Gross Packages of Kaps. Default decree of condemnation. Product ordered disposed of as waste rubber for war purposes. (F. D. C. No. 8106. Sample No. 16844–F.)

Samples of this product were found to be defective because of the presence of holes.

On August 12, 1942, the United States attorney for the Eastern District of New York filed a libel against 8 gross packages of Kaps at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about July 22, 1942, by Rubber Research Products Corporation from Jersey City, N. J.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that its quality fell below that which it purported or was represented to possess since an article containing holes is not suitable for use as a prophylactic.

It was alleged to be misbranded in that the following statements appearing on the labeling were false and misleading since they represented and suggested that the article was free from defects, whereas it was not: (One dozen carton and three-unit carton) "Each one of the Kaps has been filled to at least ten times it normal capacity with water under pressure; then squeezed and kneaded in an effort to make a hole appear—even where only a weak spot may have existed before. Insist on water-tested merchandise." (Instruction sheet) "Notice: The enclosed sheath has been 'water tested' by expanding, under water pressure, to at least ten times its normal capacity—then examined closely for any detectable leak."

On May 5, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to the Food and Drug Administration for the purpose of damaging and disposing of it as waste rubber for war purposes.

1031. Adulteration and misbranding of Red Cross prophylactics and Blue Cross chemical prophylactic units. U. S. v. 959 Packages of Red Cross Prophylactics and 3,744 Packages of Blue Cross Chemical Prophylactic Units. Default decrees ordering destruction of the products. (F. D. C. Nos. 8950, 9119. Sample Nos. 12174–F, 15716–F.)

These two products contained, among other things, a tube labeled "0.25% Silver Picrate Jelly." Analyses of the jelly showed that it contained, in the case of the Red Cross prophylactics, 0.085 percent of silver picrate, and in the case of the Blue Cross chemical units 0.052 percent of silver picrate.

On December 8, 1942, and January 2, 1943, the United States attorneys for the Western District of Washington and the District of Utah filed libels against 959 packages of Red Cross prophylactics at Seattle, Wash., and 3,744 packages of Blue Cross chemical prophylactic units at Salt Lake City, Utah, alleging that the articles had been shipped on or about October 19 and November 6, 1942, from San Diego and Los Angeles, Calif., by the Schabelitz Research Laboratories; and charging that they were adulterated and misbranded. The Red Cross prophylactics were labeled in part with a design of a red cross and the figure "101," and the prophylactic unit was labeled in part: "Chemical Prophylactic Unit For Armed Forces Only 80," together with a design of a blue cross.

The articles were alleged to be adulterated in that their strength differed from that which they purported or were represented to possess, "0.25% Silver Picrate Jelly."

They were alleged to be misbranded in that the statement on their labels "0.25% Silver Picrate Jelly" was false and misleading.

On September 16, 1943, no claimant having appeared, judgment of condemnation and destruction was entered against the product at Seattle. On January 29, 1944, the Schabelitz Research Laboratories, claimant for the lot at Salt Lake City, having failed to file an answer, default was entered against the claimant and its claim was dismissed. On April 29, 1944, judgment was entered against the lot, ordering that it be destroyed.

1032. Adulteration and misbranding of first-aid dressings and bandages, compresses, and adulteration of gauze bandages. U. S. v. 60 Cases and 38,100 Cartons of First Aid Dressings, 40,000 and 8,000 Packages of Bandage Compresses, and 651 Dozen Packages of Gauze Bandages. Decrees of condemnation. A portion of the bandage compresses and all of the other products ordered released under bond for reprocessing; remainder of the bandage compresses ordered delivered to the Food and Drug Administration. (F. D. C. Nos. 8582, 8952, 9013, 9029, 9256. Sample Nos. 5583-F, 10082-F, 25560-F, 31307-F, 31359-F, 31606-F, 31619-F.)

Examination showed that these products were not sterile but were contaminated with living micro-organisms.

Between October 19, 1942, and January 26, 1943, the United States attorneys for the Southern District of Ohio, the Eastern District of Virginia, and the Western District of Texas filed libels against 60 cases, each containing 300 first-aid dressings, and 38,100 cartons of first-aid dressings and 40,000 packages of bandage compresses at Columbus, Ohio, 8,000 packages of bandage compresses at San Antonio, Tex., and 651 dozen packages of gauze bandages at Richmond, Va., alleging that the articles, which had been consigned by the Acme Cotton Products Co., Inc., had been shipped within the period from on or about September 19 to December 7, 1942, from Dayville, Conn., and Worcester, Mass.; and charging that the gauze bandages were adulterated and that the other articles were adulterated and misbranded. The first aid dressings at Columbus were labeled in part: "Large First Aid Dressing United States Army Carlisle Model Sterilized," and (portion) "Sterilized Red Color indicates back of dressing. Put other side next to wound." The gauze compresses at Columbus were labeled in part: "Four Dressings Sterilized 2 Inch Bandage Compress." The articles at San Antonio and Richmond were labeled in part: "3 inch * * * Gauze Bandage," or "1 Dressing Sterilized 4 inch Bandage Compress."

The gauze bandages were alleged to be adulterated in that they purported to be and were represented as a drug, the name of which is recognized in the United States Pharmacopoeia, an official compendium, but their quality and purity fell below the standard set forth therein since the Pharmacopoeia provides that gauze bandage must be sterile and shall meet the requirements of the sterility test for solids described in the Pharmacopoeia, and their difference in quality and purity from that standard was not stated on their label.

The first-aid dressings and the bandage compresses were alleged to be adulterated in that their purity and quality fell below that which they purported or were represented to possess, "Sterilized." They were alleged to be misbranded in that the statements appearing in their labeling which represented and suggested that the articles were sterile were false and misleading.

On January 16 and February 4, 1943, the Acme Cotton Products Co., Inc. claimant, having admitted the allegations of the libels against the products at Columbus and Richmond, judgments of condemnation were entered and the products were ordered released under bond for reprocessing under the supervision of the Food and Drug Administration. On March 18, 1943, no claimant having appeared for the bandage compresses at San Antonio, judgment of condemnation was entered and the product was ordered to be delivered to the Food and Drug Administration.

1033. Adulteration and misbranding of gauze bandages and first aid, treated strips, and misbranding of Tip Top gauze and Chatham bandage. U. S. v. 6⅔ Gross Packages and 162 Dozen Boxes of Gauze Bandages, 48 Cartons of First-Aid Treated Strips, 1,983 Dozen Packages of Tip Top Gauze, and 176 Dozen Packages of Chatham Bandage. Decrees of condemnation. Tip Top Gauze, Chatham Bandage, and a portion of the gauze bandages ordered released under bond for sterilization; first aid, treated strips and remainder of gauze bandages ordered destroyed. (F. D. C. Nos. 8008, 9065, 9074, 9816. Sample Nos. 553-F, 5845-F, 5846-F, 21666-F, 21701-F.)

On July 28 and December 24, 1942, and January 5 and April 19, 1943, the United States attorneys for the Northern District of Illinois, and the Western Districts of Tennessee and Pennsylvania filed libels against 48 cartons, each containing 36 envelopes, of first aid, treated strips at Chicago, Ill., 1,983 dozen packages of Tip Top gauze and 176 dozen packages of Chatham bandage at