

Memphis, Tenn., and 6 $\frac{2}{3}$ gross packages and 162 dozen boxes of gauze bandages at Pittsburgh, Pa., alleging that the articles had been shipped within the period from on or about June 26, 1942, to March 10, 1943, by the Gotham Sales Co., Inc., from New York, N. Y.; and charging that they were misbranded and that the first aid, treated strips and the gauze bandages were also adulterated. The articles were labeled in part: "Sani+Cross Waterproof First Aid Treated Strips * * * Distributed by Gero Products, Boston, Mass.," "Tip Top Gauze Bandage," "Chatham Bandage [or "Gauze Bandage"] * * * Distributors Chatham Sundries Co. New York, N. Y.," or "R112 Gauze Bandage."

The first aid, treated strips were alleged to be adulterated in that they purported to be and were represented as an article, adhesive absorbent gauze, described in the United States Pharmacopoeia, an official compendium, but the article differed from the standard set forth in that compendium since it failed to meet the requirements of the sterility test for solids.

They were alleged to be misbranded in that the statements appearing on their label, "Sani+Cross First Aid Treated Strips Wash Wound with an Antiseptic—Remove Crinoline and Apply Gauze Pad to the Wound," were false and misleading since these statements represented and suggested that the strips were a safe, sanitary, and appropriate bandage for first aid use on minor cuts, wounds, and abrasions, whereas they were not a safe, sanitary, and appropriate bandage for such use because they were contaminated with living bacteria. They were alleged to be misbranded further in that they were in package form and their label failed to bear a statement of the quantity of the contents.

A portion of the gauze bandages (6 $\frac{2}{3}$ gross packages) was alleged to be adulterated in that it purported to be and was represented as a drug, the name of which is recognized in an official compendium, but its quality and purity fell below the standard set forth therein since it was not sterile but was contaminated with viable micro-organisms. The remainder of the gauze bandages was alleged to be adulterated in that its purity and quality fell below that which it purported and was represented to possess, "Sterilized."

The gauze bandages, Tip Top gauze, and Chatham bandage, were alleged to be misbranded in that the statements appearing in their labeling, "Sterilized After Packaging," and the additional statement in the labeling of the 162 boxes of gauze bandages, "Designed to Perfectly Meet First Aid Requirements," were misleading since they created the impression that the articles were sterile, whereas they were not sterile but were contaminated with viable micro-organisms.

On September 24, 1942, and March 13, 1943, the Gotham Sales Co., Inc., claimant, having admitted the allegations of the labels against the Tip Top gauze, Chatham bandage, and a portion of the gauze bandages (162 dozen boxes), judgments of condemnation were entered and the products were ordered released under bond for sterilization. On March 1 and June 8, 1943, no claimant having appeared for the other products seized, judgments of condemnation were entered and it was ordered that they be destroyed.

1034. Adulteration and misbranding of adhesive absorbent gauze. U. S. v. 75 $\frac{1}{2}$ -Gross Packages of Sani+Cross Adhesive Strips, 264 Gross of Tip Top Adhesive Strips, and 4 $\frac{1}{2}$ -Gross Packages of Sani+Cross Waterproof First Aid Treated Strips. Default decrees of condemnation and destruction.
(F. D. C. Nos. 9209, 9326, 9964. Sample Nos. 18482-F, 23235-F, 44467-F.)

Examination showed that these products consisted of a small pad of gauze affixed to a strip of adhesive plaster.

Between January 19 and May 19, 1943, the United States attorneys for the Southern District of New York and the Middle District of Pennsylvania filed labels against 75 $\frac{1}{2}$ -gross packages of Sani-Cross adhesive strips and 264 gross of Tip Top adhesive strips at New York, N. Y., and against 4 $\frac{1}{2}$ -gross packages of Sani-Cross waterproof first aid, treated strips at Harrisburg, Pa., alleging that the articles, which had been consigned by the Gero Products, Inc., had been shipped on or about December 23, 1942, and January 12 and March 30, 1943, from Boston and South Boston, Mass.; and charging that they were adulterated and misbranded. The Tip Top adhesive strips were labeled in part: "Distributed by Gotham Sales, N. Y., N. Y."

The articles were alleged to be adulterated in that they purported to be a drug, adhesive absorbent gauze (adhesive absorbent compress), 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 in that compendium since they were not sterile but were contaminated with living micro-organisms, and

their difference in quality and purity from the standard set forth in the compendium was not plainly stated on the labels.

The first aid, treated strips, were alleged to be misbranded in that they were in package form and the label failed to bear a statement of the quantity of the contents; and in that the statements appearing upon the label, "Sani+Cross First Aid Treated Strips For minor cuts, wounds, abrasions Directions Wash wound with an antiseptic. Remove crinoline and apply gauze pad to the wound," were false and misleading since those statements represented and suggested that the article was a safe and appropriate bandage for first aid use on minor cuts, wounds, and abrasions, whereas it was not a safe and appropriate bandage for such use but was contaminated with living micro-organisms.

The other articles were alleged to be misbranded in that the statements, "Sani+Cross Adhesive Strips For Home, Factory, and Sports use. Directions Wash wound with an antiseptic. Remove crinoline and apply gauze pad to the wound," appearing in the labeling of the Sani-Cross adhesive strips, and similar statements in the labeling of the Tip Top adhesive strips, were false and misleading since they created the impression that the articles were safe and appropriate bandages for first aid use on broken skin, whereas they were not safe and appropriate bandages for such uses, but were contaminated with living micro-organisms.

The first aid, treated strips and the Sani-Cross adhesive strips were alleged to be misbranded further in that the designation "Sani+Cross," appearing in the labeling, was false and misleading since it created the impression that the articles were sterile and sanitary dressings, whereas they were not sterile and sanitary.

On February 9, March 10, and June 26, 1943, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

1035. Adulteration and misbranding of gauze bandage. U. S. v. 102 Dozen Packages of Gauze Bandage. Default decree of condemnation and destruction. (F. D. C. No. 8646. Sample No. 12139-F.)

On October 28, 1942, the United States attorney for the Western District of Washington filed a libel against 102 packages of gauze bandage at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about July 25, 1942, from New York, N. Y., by C. I. Lee and Co.; and charging that it was adulterated and misbranded. The article was labeled in part: "Gauze Bandage 2 Inch * * * Distributors Chatham Sundries Co. New York, N. Y."

The article was alleged to be adulterated in that its purity and quality fell below that which it purported and was represented to possess, "Sterilized."

It was alleged to be misbranded in that the statement appearing in its labeling "Sterilized after packaging," was misleading since it created the impression that the article was sterile, whereas it was not sterile but was contaminated with living gram-positive spore-bearing bacilli.

On September 16, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1036. Adulteration and misbranding of bandage gauze. U. S. v. 4,379 Dozen Packages of Bandage Gauze. Consent decree of condemnation. Product released under bond to be brought into compliance with the law. (F. D. C. No. 9251. Sample No. 32370-F.)

On January 27, 1943, the United States attorney for the Northern District of Ohio filed a libel against 4,379 dozen packages of bandage gauze at Toledo, Ohio, alleging that the article had been shipped in interstate commerce on or about December 3, 1942, by Convenience, Inc., from Greenville, S. C.; and charging that it was adulterated and misbranded. The article was labeled in part: "Bandage: Gauze, Roller, Plain Sterilized."

The article was alleged to be adulterated in that it purported to be and was represented as a drug, the name of which is recognized in an official compendium, the United States Pharmacopoeia (twelfth revision), but its quality and purity fell below the standard set forth therein since it was not sterile but was contaminated with viable micro-organisms.

It was alleged to be misbranded in that the designation "Sterilized," appearing in the labeling, was false and misleading.

On March 18, 1943, Convenience, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration.