1037. Adulteration and misbranding of gauze bandages. U. S. v. 10,000 Dozen Packages of Gauze Bandages (and 8 other seizure actions against gauze bandages). Consent decrees of condemnation. Product ordered released under bond for reprocessing. (F. D. C. Nos. 9309, 9371, 9411, 9456, 9529, 9530, 9818, 9819, 10207, 12296. Sample Nos. 6769–F, 37407–F, 37578–F, 37579–F, 42403–F. 42404–F, 45722–F, 45727–F, 45766–F, 45785–F to 45787–F, incl., 45822–F, 67812–F.)

Examination showed that this product was not sterile but was contaminated with living micro-organisms.

Between February 4, 1943, and May 3, 1944, the United States attorneys for the Eastern District of Virginia, the Western District of Washington, the Eastern District of Missouri, and the Western District of Kentucky filed libels against the following quantities of gauze bandages from 1 to 4 inches in width: 10,000 dozen packages, 6,900 packages, each containing 1 dozen, 120 cartons, each containing 100 dozen, 217 cases, each containing 100 dozen, and 345 cases, each containing 50 dozen, at Richmond, Va.; 621 dozen packages and 318 packages at Seattle, Wash.; 531 dozen packages at St. Louis, Mo.; and 25 cases, each containing 50 dozen, at Louisville, Ky. It was alleged that all lots had been shipped within the period from on or about October 8, 1942, to March 23, 1944, by the Marsales Company, Inc., from New York, N. Y., and East Lyme, Niantic, Conn., with the exception of a portion of the Richmond lot, which was alleged to have been shipped from San Antonio, Tex., by the San Antonio Quartermaster Depot, and a portion of the Seattle lot, which was alleged to have been shipped by the Indian Service Warehouse from St. Louis, Mo.; and it was charged that the bandages were adulterated and misbranded. Portions of the article were labeled in part: "Bandage [or "Bandages"] Gauze Roller Plain Sterilized," or "Marco Sterilized When Packed Gauze Bandage."

The lot at Louisville was alleged to be adulterated in that its purity and quality fell below that which it purported and was represented to possess, "sterilized." The remaining lots were alleged to be adulterated in that they purported to be and were represented as a drug, the name of which is recognized in an official compendium, the United States Pharmacopoeia (twelfth revision), but their quality and purity fell below the standard set forth in that compendium since they were not sterile.

All lots were alleged to be misbranded in that the statements appearing in their labeling which represented that they were sterile were false and misleading.

Between March 1, 1943, and June 19, 1944, the Marsales Company, Inc., claimant, having consented to the entry of the decrees, judgments of condemnation were entered and the product was ordered released under bond for reprocessing under the supervision of the Food and Drug Administration.

1038. Adulteration and misbranding of absorbent cotton. U. S. v. 464 Packages of Absorbent Cotton. Consent decree of condemnation. Product ordered released under bond for processing. (F. D. C. No. 9156. Sample No. 6581–F.)

On January 9, 1943, the United States attorney for the Eastern District of Arkansas filed a libel against 464 1-ounce packages of absorbent cotton at Little Rock, Ark., alleging that the article had been shipped in interstate commerce on or about September 16 and November 13, 1942, from Cape Girardeau, Mo., by the American White Cross Laboratories; and charging that it was adulterated and misbranded.

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 the United States Pharmacopoeia, an official compendium, but its quality and purity fell below the standard set forth therein since the article did not conform to the requirements of the test for sterility of solids prescribed in that compendium, but was contaminated with gram-positive bacilli.

It was alleged to be misbranded in that the statements appearing upon its label, "U. S. P. Absorbent Cotton * * * Sterilized After Packaging Best Hospital Quality U. S. P. Absorbent Cotton means that this cotton conforms to all requirements of the United States Pharmacopoeia. This cotton is sterilized twice—once during the process of manufacture and then again after packaging. U. S. P. Absorbent Cotton meets government specifications in every respect," were false and misleading since the article was not sterile and did not comply with the specifications of the United States Pharmacopoeia.

On June 29, 1943, the American White Cross Laboratories, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it

be processed so as to comply with the law, under the supervision of the Food and Drug Administration.

1039. Adulteration and misbranding of silk sutures. U. S. v. 7,200 Packages and 7,200 Packages of Silk Sutures. Decrees of condemnation. Portion of product ordered released under bond for reprocessing and relabeling, and remainder ordered destroyed. (F. D. C. Nos. 9255, 9396. Sample Nos. 6509–F, 32823–F.)

Each package of these sutures contained 3 smaller packages labeled in part: "Size 00," "Size 1," or "Size 2." The "Size 2" sutures were contaminated with living micro-organisms.

On January 27 and February 19, 1943, the United States attorneys for the Eastern District of Missouri and the Northern District of New York filed libels against 7,200 packages of silk sutures at St. Louis, Mo., and 7,200 packages at Binghamton, N. Y., alleging that the article had been shipped in interstate commerce on or about December 17 and 28, 1942, by the Gudebrod Brothers Silk Co., Inc., from Pottstown, Pa.; and charging that it was adulterated and misbranded. The article was labeled in part: "Sizes 00–1–2 Two 18" Strands of Each Sterile * * * Braided Silk Sutures."

The "Size 2" sutures 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 sutures did not meet the test for sterility of solids as required by that compendium.

They were alleged to be misbranded in that the statement on the label, "Sterile," was false and misleading.

On April 13, 1943, the Gudebrod Brothers Co., Inc., having appeared as claimant for the lot at St. Louis, and having consented to the entry of a decree, judgment of condemnation was entered and that lot was ordered released under bond for reprocessing and relabeling under the supervision of the Food and Drug Administration. On May 4, 1943, no claimant having appeared for the lot at Binghamton, judgment of condemnation was entered and the lot was ordered destroyed.

DRUGS ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS*

DRUGS FOR HUMAN USE

1040. Misbranding of Colusa Natural Oil, Colusa Natural Oil Capsules, and Colusa Natural Oil Hemorrhoid Ointment. U. S. v. Empire Oil & Gas Corporation and Chester Walker Colgrove (Colusa Products Co.) Pleas of not guilty. Tried to a jury. Verdict of guilty. Fine of $500 and 6 months in jail imposed against individual defendant on each of the 3 counts, the jail sentences to run concurrently and terminate upon payment of fine. Corporate defendant fined $3. Fines deposited in escrow and appeal noted. Judgment reversed by appellate court and case remanded for retrial. Pleas of nolo contendere thereafter entered. Defendants given same sentences as those originally imposed. (F. D. C. No. 6408. Sample Nos. 65381–E to 65383–E, incl.)

On March 24, 1942, the United States attorney for the Northern District of California filed an information against the Empire Oil & Gas Corporation, trading as the Colusa Products Co. at Berkeley, Calif., and against Chester Walker Colgrove, president and treasurer of the corporation, alleging shipment on or about January 31, 1941, from the State of California into the State of New Mexico of quantities of the above-named products which were misbranded.

Analyses of the Colusa Natural Oil and the Colusa Natural Oil Capsules showed that they consisted of crude petroleum oil containing 0.75 percent of sulfur, and that they did not contain camphor, turpentine, and iodine or iodine compounds, or possess any radio activity.

These articles were alleged to be misbranded in that the statements in their labeling which represented and suggested that, when used alone or in conjunction with each other, they would be efficacious in the treatment of eczema, psoriasis, acne, ringworm, athlete's foot, burns, cuts, poison ivy, and varicose ulcers; that they would act on surface skin irritations as a stimulant and would increase circulation and aid in healing; that they would be efficacious to relieve discomfort and pain; that they would be efficacious to inhibit the spreading of skin irritations and to restore the normal skin surface; and that they would be efficacious to kill or check disease germs were false and misleading since the articles were not efficacious for such purposes.

*See also Nos. 1001–1020, 1023, 1025–1039.