

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.