

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

30951-31000

DRUGS

[Approved by the Acting Secretary of Agriculture, Washington, D. C., May 3, 1940]

30951. Adulteration and misbranding of gauze bandages. U. S. v. 21 Dozen Gauze Bandages. Consent decree of condemnation and destruction. (F. & D. No. 42996. Sample No. 27238-D.)

This product had been shipped in interstate commerce and remained unsold and in the original packages. At the time of examination it was found to be contaminated with viable micro-organisms.

On June 30, 1938, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 21 dozen gauze bandages at Denver, Colo., consigned by the Bay Division, Parke, Davis & Co.; alleging that the article had been shipped from Bridgeport, Conn.; and charging adulteration and misbranding in violation of the Food and Drugs Act. On October 12, 1939, the libel was amended in order to allege that the shipment had been made sometime before the 10th day of March, 1938.

Adulteration was alleged in that the purity of the article fell below the professed standard or quality under which it was sold, namely, (carton) "The gauze bandage in this package was sterilized during manufacture. A sterilizing process is also applied to the finished package."

Misbranding was alleged in that the above-quoted statements were false and misleading.

On September 15, 1938, the Bay Division of Parke, Davis & Co. filed claim for the product and also filed an answer denying the material allegations of the libel. On October 12, 1939, the libel having been amended as aforesaid, and claimant having filed an amended answer averring that it was without knowledge or information sufficient to form a belief as to whether the bandages were not sterile when transported or when seized, and consenting to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

GROVER B. HILL, *Acting Secretary of Agriculture.*

30952. Adulteration and misbranding of absorbent cotton. U. S. v. 300 Pounds and 175 Pounds of Absorbent Cotton. Consent decree of condemnation. Product released under bond. (F. & D. Nos. 44596, 44597. Sample Nos. 41990-D, 41991-D.)

This product had been shipped in interstate commerce and remained unsold and in the original packages. At the time of examination it was found to be contaminated with viable micro-organisms.

On December 28, 1939, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of two lots consisting of 300 pounds and 175 pounds, respectively, of absorbent cotton at Atlantic City, N. J.; alleging that the article had been shipped by the Acme Cotton Products Co., Inc., from Dayville, Conn., the latter lot on or about July 1, 1937, and the former on or about April 29, 1938; and charging that it was adulterated and misbranded in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its purity fell below the professed standard or quality under which it was sold, (label of portion) "Hospital * * * Surgical Absorbent Cotton," (label of remainder) "Nurse Brand Hospital Absorbent Cotton Especially Adapted for Hospital Use," since

it was not sterile and was not suitable for hospital, surgical, or nursing purposes.

It was alleged to be misbranded in that the statements quoted above, and the design of a nurse on both labels, were false and misleading when applied to an article which was not sterile.

On November 15, 1939, the Acme Cotton Products Co., Inc., having appeared as claimant and having admitted the allegations of the libels, and the cases having been consolidated, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be disposed of for any appropriate purpose other than for medical purposes or for conditions for which absorbent cotton is usually used.

GROVER B. HILL, *Acting Secretary of Agriculture.*

30953. Misbranding of Saurinol. U. S. v. 5 Large and 3 Small Packages of Saurinol. Default decree of condemnation and destruction. (F. & D. No. 45511. Sample No. 56239-D.)

The labeling of this product bore false and fraudulent curative and therapeutic claims and other misrepresentations.

On July 20, 1939, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 8 packages of Saurinol at Oakland, Calif.; alleging that the article had been shipped in interstate commerce on or about June 9, 1939, by Saurinol Distributors from Colorado Springs, Colo.; and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of medium boiling petroleum oil with a small proportion of quinine alkaloid.

It was alleged to be misbranded in that the statement on the label, "A Natural Oil," was false and misleading as applied to an article consisting essentially of medium boiling petroleum oil with a small proportion of quinine alkaloid. It was alleged to be misbranded further in that the following statements in the labeling were statements regarding its curative or therapeutic effects and were false and fraudulent: "For relief in sinus, hay fever, exposed cancer, varicose veins, pyorrhea, trench mouth, lacerations, ulcers, skin diseases * * * sinus, hay fever, apply with atomizer, Varicose veins, skin trouble use oil and massage, Exposed cancer, ulcers, lacerations apply with gauze. Pyorrhea or trench mouth, rinse mouth."

On November 30, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

GROVER B. HILL, *Acting Secretary of Agriculture.*

30954. Misbranding of Hain Col-Lax; alleged misbranding of Hain Kelp Tablets. U. S. v. Harold Hain (Hain Pure Food Co.). Judgment of guilty on counts charging misbranding of Col-Lax; not guilty on counts charging misbranding of Kelp Tablets. Fine, \$300. (F. & D. No. 40817. Sample Nos. 36735-C, 36736-C.)

The labeling of the Col-Lax bore false and fraudulent curative and therapeutic claims and false and misleading representations regarding its ingredients. That of the Hain Kelp Tablets bore curative and therapeutic claims and other representations that were alleged to be false, fraudulent, and misleading.

On June 10, 1938, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Harold Hain, trading as the Hain Pure Food Co., Los Angeles, Calif., alleging shipment by said defendant on or about May 1 and August 7, 1937, from the State of California into the State of Ohio, of a quantity of Hain Col-Lax and of a quantity of Hain Kelp Tablets.

Analysis of the Col-Lax showed that it consisted essentially of ground psyllium, agar, and milk sugar. Microscopic examination showed the presence of the bran as well as the mucilaginous portion of the psyllium seed. Analysis of the Kelp Tablets showed that they consisted of powdered kelp.

Misbranding of the Col-Lax was alleged in that certain statements in the labeling represented that the article was free from herbs and drugs; that in preparing the psyllium for it the irritating substance, such as bran, was removed, leaving only the highly mucilaginous part; that it was an ideal laxative food, an extract of the mucilaginous, nonirritating part of the psyllium and that it contained no ingredients which were habit-forming or irritating, which statements were false and misleading in view of the composition of the article, as disclosed by analysis. Further misbranding of the Col-Lax was alleged in that