

It was alleged to be misbranded in that its labeling bore representations that it was efficacious for universal "antisepticism"; was efficacious as a spray for sinus trouble, quinsy throat, asthma, catarrh, tonsillitis and croup, and infected ears; as a gargle, mouthwash, and rinse for sore throat, mouth ulcers, bleeding gums, receding gums, fever and gum blisters; as a lotion for itch, inflamed skin, rash, acne, stiff joints, numbness, aching areas, lameness; that it should be used in saturated bandages for boils, hives, impetigo, lead and paint poison, mange on domestic animals, open sores, X-ray burns, ingrown nails, eczema, piles, and hemorrhoids; that it was efficacious in the treatment of leucorrhoea (whites) and would relieve irritation of the bladder; that it was efficacious for loss of voice, strained vocal cords, and throat trouble; that it was efficacious to relieve tiredness and aching from overstrained eyes, and was especially recommended to welders; and efficacious as a feminine hygiene and rectal douche, which representations were false and misleading since the said article would not be efficacious for the purposes recommended.

On September 18, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

47. Misbranding of glucose solution. U. S. v. 1,176 Ampuls of Sterile Solution Glucose (Dextrose) (and 3 other seizure actions against the same product). Default decrees of condemnation and destruction. (F. D. C. Nos. 129, 134, 135, 136, 140, 198. Sample Nos. 42301-D, 42308-D, 62541-D, 62974-D.)

This product was described in its labeling as 50-cc.-sized ampuls of sterile solution of 50-percent glucose. It would be dangerous to health when used in the dosage suggested in the labeling, since it caused untoward reactions in patients to whom it was administered.

On January 23, 1939, the United States attorney for the Eastern District of Pennsylvania, filed a libel against 1,176 ampuls of solution glucose at Philadelphia, Pa. On January 25, 1939, only 123 ampuls having been seized as the remainder had been distributed, an additional libel was filed against 1,000 ampuls of these distributed lots that had been located at various points in Philadelphia, Pa. On January 27, 1939, there was filed in the same district court a libel against 190 vials of glucose solution at Ridley Park, Pa. On March 15, 1939, the United States attorney for the Western District of Louisiana filed a libel against 121 ampuls of glucose at Alexandria, La. The libels alleged that the article had been shipped in interstate commerce within the period from on or about June 15, 1938, to on or about December 21, 1938, by William A. Fitch from New York, N. Y.; and charged that it was misbranded for the reasons stated above. The article was labeled: "Sterile Solution 50 cc Size Glucose (Dextrose) Each 50 cc represents 25 Gms.; or Sterile Solution 50 cc size Glucose (Dextrose) 50 percent."

It was also alleged to be adulterated in violation of the Food and Drugs Act of 1906, reported in notice of judgment No. 30885 published under that act.

On February 15 and 20 and May 2, 1939, no claimant having appeared, judgments of condemnation were entered and the lots seized in the Eastern District of Pennsylvania were ordered destroyed, and the lot seized in the Western District of Louisiana was ordered delivered to this Department for further investigation.

ADULTERATED AND/OR MISBRANDED DRUGS AND DEVICES

PROPHYLACTICS

Nos. 48 to 58, inclusive, report the seizure and disposition of prophylactics samples of which were found to be defective in that they contained holes.

48. Adulteration and misbranding of prophylactics. U. S. v. 50 Gross of Prophylactics (and 4 other seizure actions against prophylactics). Default decrees of condemnation and destruction. (F. D. C. Nos. 563, 718, 718, 734, 992. Sample Nos. 52499-D, 52500-D, 63900-D, 67870-D, 76841-D, 76843-D, 78908-D.)

Between September 8 and November 15, 1939, the United States attorneys for the Southern District of New York, District of Maryland, Western District of Pennsylvania, and Western District of Tennessee filed libels against the following lots of prophylactics: 50 gross at New York, N. Y., 440 gross at Baltimore, Md., 79 gross at Pittsburgh, Pa., and 83 gross at Memphis, Tenn.; alleging that the article had been shipped in interstate commerce within the

period from on or about August 23 to on or about October 21, 1939, by Tecla Chemical Corporation from Newark, N. J.; and charging that it was adulterated and that a portion was also misbranded. Certain lots were labeled in part: "Made from Liquid Latex Distributed by Ace Rubber Co. [or "Balto. Rubber Co. Balto., Md." or "Gotham Rubber Co., Chicago, Ill.]." The remaining lots were labeled in part: "Saf-T-Way Prophylactics" or "Tally-Ho."

The article was alleged to be adulterated in that its quality fell below that which it purported or was represented to possess.

The product labeled "Saf-T-Way" was alleged to be misbranded in that representations in the labeling that it was a safe prophylactic and was air-blown tested were false and misleading.

Between September 26 and December 12, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

49. Adulteration and misbranding of prophylactics. U. S. v. 59 Gross of Prophylactics (and 3 other seizure actions against prophylactics). Default decrees of condemnation and destruction. (F. D. C. Nos. 292, 889, 390, 455. Sample Nos. 51905-D, 52448-D, 52449-D, 52450-D, 52463-D.)

On July 14, August 15, and August 18, 1939, the United States attorneys for the Eastern and Western Districts of Pennsylvania filed libels against 59 gross of prophylactics at Philadelphia, Pa., and 87¼ gross of prophylactics at Pittsburgh, Pa.; alleging that the article had been shipped in interstate commerce on or about July 7 and 22, 1939, by Universal Merchandise Co. from New York, N. Y.; and charging that it was adulterated and misbranded. The article was variously labeled in part: "Saf-T-Way," "Saf-T-Skin," or "Rx 95 * * * Distributed by Gotham Rubber Co., Chicago, New York."

It was alleged to be adulterated in that its quality fell below that which it purported or was represented to possess.

It was alleged to be misbranded in that representations appearing variously in the labeling that it was a safe and dependable prophylactic, was air-blown tested, was guaranteed for 5 years, would prevent disease, and was manufactured of finest quality latex rubber, were false and misleading.

On August 5 and September 8, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

50. Adulteration and misbranding of prophylactics. U. S. v. 22 Gross of Prophylactics (and 7 other seizure actions against prophylactics). Default decree of condemnation and destruction. (F. D. C. Nos. 573 to 590, incl. Sample Nos. 52674-D, 79001-D.)

On September 12, 1939, the United States attorney for the Western District of New York filed libels against 93 gross and 38½ dozen prophylactics at Niagara Falls, N. Y., consigned by Philip Newman; alleging that the article had been shipped from Akron, Ohio, on or about July 20, 1939; and charging that it was adulterated, and that with the exception of one lot, it was misbranded. The article was labeled in part variously: "Gold Town," "Majestic," "Dr. Reade's Genuine Latex Tissue," "Medallion," "Silver-Town," "Supreme Brand," "Silver Crown," or "Special Selected."

It was alleged to be adulterated in that its quality fell below that which it purported or was represented to possess.

Misbranding was alleged with respect to all goods, with the exception of the Gold Town brand, in that the labeling of the various brands bore representations that the article was made from the choicest grade of materials obtainable and represented the highest quality of prophylactics, was effective for the prevention of contagious disease, was guaranteed for 5 years, was for medical purposes, was double and triple tested, was specially selected, was an efficient prophylactic, and was extra quality and air tested, which representations were false and misleading.

On October 30, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

51. Adulteration and misbranding of prophylactics. U. S. v. 22 Gross of Prophylactics. Default decree of condemnation and destruction. (F. D. C. No. 365. Sample No. 47586-D.)

On August 8, 1939, the United States attorney for the Eastern District of Virginia filed a libel against 22 gross of prophylactics at Richmond, Va.; alleging that the article had been shipped in interstate commerce on or about July 14, 1939, by Gotham Sales Co., Inc., from New York, N. Y.; and charging