

infection, were false and misleading since the gauze bandage and absorbent cotton were contaminated with viable micro-organisms.

On August 25, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**65. Misbranding of gauze bandage. U. S. v. 31 Dozen, 28 Dozen, and 27 Dozen Cartons of Gauze Bandage. Default decree of condemnation and destruction. (F. D. C. No. 817. Sample No. 68320-D.)**

This product had been shipped in interstate commerce; and at the time of examination and while in interstate commerce, it was found to be contaminated with viable micro-organisms. It did not consist of a continuous roll of gauze but contained pieces of gauze formed into a roll.

On October 26, 1939, the United States attorney for the District of New Jersey filed a libel against 86 dozen cartons of gauze bandage at Newark, N. J., alleging that the article had been shipped on or about August 9, 1939, by the Ross Products Co. from New York, N. Y.; and charging that it was misbranded. A portion was labeled in part: "Doctors and Nurses Gauze Bandage." The remainder was labeled in part: "Physician's and Surgeon's Gauze Bandage First Aid Products Corp., N. Y."

Misbranding was alleged in that representations in the labeling that the article was appropriate for the use of doctors and nurses, physicians and surgeons, and for first aid purposes, together with cuts depicting a nurse on some of the packages, and a cut depicting a surgeon on other packages, were false and misleading as applied to an article that was not sterile but was contaminated with viable micro-organisms. It was alleged to be misbranded further in that its labeling failed to reveal a fact which was material in the light of the representations made for the article, namely, that the packages did not contain a continuous roll of gauze but contained pieces of gauze formed into one roll.

On November 21, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**66. Misbranding of absorbent cotton. U. S. v. 251 Packages of Richmond Aseptic Cotton Pellets. Default decree of condemnation and destruction. (F. D. C. No. 586. Sample No. 51940-D.)**

On September 11, 1939, the United States attorney for the Eastern District of Pennsylvania filed a libel against 251 packages of absorbent cotton at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce within the period from on or about May 26 to on or about July 10, 1939, by Richmond Dental Manufacturing Co. from Niagara Falls, N. Y.; and charging that it was misbranded.

Misbranding was alleged in that the representations in the labeling that the article was aseptic, was of the finest grade of absorbent cotton, and was absolutely clean, were false and misleading since it was not sterile, was not suitable for aseptic uses, was not of the finest grade of absorbent cotton, and was not absolutely clean, but was contaminated with viable micro-organisms. It was alleged to be misbranded further in that the label was misleading since it failed to reveal the fact that the article was unsterile, which fact is material in the light of the representations made in the labeling, and material with respect to consequences which might result from the use of the article to which the labeling related under such conditions of use as are customary or usual.

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

**COSMETICS MISBRANDED UNDER PROVISIONS OF THE LAW APPLICABLE TO DRUGS**

**67. Adulteration and misbranding of Madam C. J. Walker's Tan-Off. U. S. v. 717 Tins of Madam C. J. Walker's Tan-Off. Default decree of condemnation and destruction. (F. D. C. No. 187. Sample No. 29435-D.)**

This product contained ammoniated mercury, a poisonous or deleterious substance. It would be dangerous to health when used in the dosage or with the frequency or duration so prescribed, recommended, or suggested. Its labeling did not bear adequate directions for use and such adequate warnings against use in those pathological conditions or by children where its use might be dangerous to health or against unsafe dosage or methods or duration of administration or application in such manner and form as are necessary for the protection of users. It was recommended in the labeling for brightening sallow or dark skin, treatment of tan, freckle, and skin-blotch, and for clearing the complexion, with directions that it be applied with the tips of the fingers before retiring and

allowed to remain on the skin overnight and that after washing in the morning it be applied and allowed to remain on from 5 to 10 minutes.

On March 3, 1939, the United States attorney for the Northern District of Ohio, filed a libel against 717 tins of the above-named product at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce on or about February 2, 1939, by the Madam C. J. Walker Manufacturing Co. from Indianapolis, Ind.; and charging that it was adulterated and misbranded.

It was alleged in the libel that the article was a drug which affects the body function and structure and was misbranded for the reasons stated above. It was also alleged to be adulterated under the provisions of the law applicable to cosmetics as reported in C. N. J. No. 17.

On September 8, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**68. Adulteration and misbranding of Palmer's Antiseptic Skin Lotion. U. S. v. 36 Bottles of Palmer's Antiseptic Skin Lotion. Default decree of condemnation and destruction. (F. D. C. No. 183. Sample No. 35008-D.)**

This product contained mercuric chloride (corrosive sublimate), a poisonous or deleterious substance. It was recommended in its labeling that it be used for minor cuts, burns, and bites, that bandages be applied loosely and saturated with the lotion and that it be applied for any cuts and irritation. It would be dangerous to health when so used. Its labeling failed to reveal facts material with respect to the consequences which might result from its use under the conditions of use prescribed in the labeling or under such conditions of use as are customary or usual, and failed to bear adequate directions for use and warnings against use in those pathological conditions where its use might be dangerous to health or against unsafe methods or duration of administration.

On March 3, 1939, the United States attorney for the Eastern District of Virginia filed a libel against 36 bottles of Palmer's Antiseptic Skin Lotion at Richmond, Va., alleging that the article had been shipped in interstate commerce on or about November 25, 1938, by Solon Palmer from New York, N. Y.; and charging that it was adulterated and misbranded. It was alleged to be misbranded under the provisions of the law applicable to drugs for the reasons stated above. It was also alleged to be adulterated under those applicable to cosmetics as reported in C. N. J. No. 21.

It was alleged to be adulterated and misbranded in violation of the Food and Drugs Act of 1906, reported in notice of judgment No. 30883 published under that act.

On May 31, 1939, no claimant having appeared, judgment of condemnation was entered, and the product was ordered destroyed.

**69. Adulteration and misbranding of Othine. U. S. v. 28 Packages and 28 Jars of Othine. Default decrees of condemnation and destruction. (F. D. C. Nos. 213, 214. Sample Nos. 35880-D, 52229-D.)**

This product, a skin bleach prepared especially for the removal of freckles, contained ammoniated mercury, a poisonous or deleterious substance. It would be dangerous to health when used in the dosage or with the frequency or duration prescribed, recommended, or suggested in the labeling. Its labeling bore directions that it be applied lightly with the finger tips before retiring, after first washing the face with soap and warm water and drying thoroughly; that it should not be rubbed in and should be left on all night and washed off in the morning, and that directions should be followed nightly until entire jar had been used. The user was cautioned not to apply the cream too close to the eyes or on eyelids, throat, or neck, nor near open cuts, and not to use it while one has prickly heat or fresh sunburn. It was directed in the circular that in the case of sensitive skin which showed irritation after first day's application, it should be stopped and a little vaseline applied, and application should be resumed after 2 or 3 days once every other day "until the skin got used to it, increasing by degrees until once a day was reached without causing irritation." Its labeling did not bear adequate directions for use and such adequate warnings against use in those pathological conditions or by children where its use might be dangerous to health, or against unsafe dosage or methods or duration of administration or application, in such manner and form as are necessary for the protection of users.

On March 30 and 31, 1939, the United States attorneys for the District of Massachusetts and the Western District of Pennsylvania filed libels against 26 packages of Othine at Boston, Mass., and 28 jars of Othine at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce by the Othine