

876. Adulteration and misbranding of first aid kits. U. S. v. 236 packages of White Cross All Purpose First Aid Kit. Consent decree of condemnation. Product ordered released for relabeling and replacement of unsterile gauze and adhesive bandages. (F. D. C. No. 7405. Sample No. 89176-E.)

On April 28, 1942, the United States attorney for the District of Connecticut filed a libel at Hartford, Conn., against 236 packages of the above-named product, alleging that the article had been shipped in interstate commerce on or about March 16, 1942, by the American White Cross Laboratories, Inc., from New Rochelle, New York. The article was labeled in part: "White Cross All Purpose First Aid Kit." Each kit contained, among other things, a package labeled "Sterilized White Cross Surgical Gauze" and a number of envelopes of adhesive strips.

Bacteriological tests on samples from this consignment showed that the gauze and adhesive strips were not sterile but were contaminated with viable aerobic and anaerobic or facultative anaerobic micro-organisms.

It was alleged to be adulterated in that the purity and quality of the surgical gauze fell below that which it was represented to possess, since the article was not sterile but was contaminated with living micro-organisms.

The article was alleged to be misbranded in that the statement, "First Aid Kit," was false and misleading when applied to an article that was not sterile. It was further misbranded in that the outside container, which was the retail package, did not bear an accurate statement of the quantity of contents.

On November 9, 1942, the American White Cross Laboratories, Inc., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond so that it could be relabeled and the surgical gauze and adhesive bandages be replaced by sterile gauze and sterile bandages.

877. Adulteration and misbranding of vitamin A, B₁, D, G capsules. U. S. v. 35 Dozen Bottles of Hyde Brand Vitamins A, B₁, D, G Capsules. Default decree of condemnation and destruction. (F. D. C. No. 7812. Sample No. 54955-E.)

On June 26, 1942, the United States attorney for the Middle District of Pennsylvania filed a libel against the above-named product at Northumberland, Pa., alleging that the article had been shipped in interstate commerce on or about April 18, 1942, by McCambridge and McCambridge Co., from Washington, D. C.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that its strength differed from and its quality fell below that which it was represented to possess since it contained not more than 750 U. S. P. units of vitamin D per capsule.

It was alleged to be misbranded in that the statement on the label, "Each capsule contains not less than * * * 1000 U. S. P. Units of Vitamin D," was false as applied to an article that contained not more than 750 such units of vitamin D per capsule. It was alleged to be misbranded further in that the prominent display of the letter "G" in the name of the article, "Vitamin * * * G Capsules," was misleading since the statement represented and suggested that the article contained consequential amounts of Vitamin G, whereas it did not. It was alleged also to be adulterated and misbranded under the provisions of the law applicable to foods reported in F. N. J. No. 4700.

On August 26, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

878. Adulteration and misbranding of "Be" Plex vitamin B-complex with minerals and Iron. U. S. v. 14 Cases of "Be" Plex Vitamin B-Complex With Minerals and Iron. Default decree of condemnation and destruction. (F. D. C. No. 7523. Sample No. 71436-E.)

On May 18, 1942, the United States attorney for the Eastern District of Missouri filed a libel against 12 1-pint bottles of the above-named product at St. Louis, Mo. On November 7, 1942, the libel was amended to change the amount to 14 cases, each containing 12 1-pint bottles, of the said product. It was alleged in the libel as amended that the article had been shipped in interstate commerce on or about January 9, 1942, by the Hale Drug Co. from Birmingham, Ala.; and charged that it was adulterated and misbranded.

Examination of the article showed that it contained not more than 25 percent of the vitamin B₁ content declared on the label.

The article was alleged to be adulterated in that its strength differed from and its quality fell below that which it was represented on the label to possess, namely, 660 International Units of vitamin B₁ per fluid ounce.

It was alleged to be misbranded in that the following statements in the labeling, "Valuable (in cases of vitamin deficiency) as an aid to promote

appetite and in protecting the body from nerve disorder," and "Indicated in certain cases of retarded growth, constipation, migraine headaches, and helpful promotion of greater vigor, functional digestion and wholesomeness of the skin," were false and misleading in that they represented that the article was valuable as an aid in promoting appetite and protecting the body from nerve disorder, and was of value in retarded growth, constipation, and migraine headaches, and in promoting greater vigor, functional digestion, and wholesomeness of the skin, whereas it would not be efficacious for such purposes.

The article was also alleged to be adulterated and misbranded under the provisions of the law applicable to food reported in notices of judgment on foods.

On January 16, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

879. Adulteration and misbranding of Vi-Penta drops. U. S. v. Hoffman-La Roche, Inc. Plea of nolo contendere. Fine, \$250 on count 1. Imposition of sentence suspended on remaining 15 counts. (F. D. C. No. 7656. Sample Nos. 56804-E, 69145-E, 74168-E, 89116-E.)

On September 4, 1942, the United States attorney for the District of New Jersey filed an information against Hoffman-La Roche, Inc., Nutley, N. J., alleging shipment of Vi-Penta drops within the period from on or about March 18, 1941, to January 15, 1942, from the State of New Jersey into the State of New York. The article was labeled in part: "Each 0.6 cc. (approximately 10 minims) equals 1 Vi-Penta Perle and contains Vitamins: A . . . 9,000 (or "4,000") U. S. P. Units."

Examination of samples taken from each of the 3 shipments labeled as containing 9,000 U. S. P. Units of Vitamin A per 0.6 cc. showed the presence of not more than 2,700, 4,500 and 4,500 U. S. P. Units of Vitamin A, respectively, per 0.6 cc. The shipment labeled as containing 4,000 U. S. P. Units of Vitamin A per 0.6 cc. contained not more than 2,000 Units of Vitamin A per 0.6 cc.

Portions of the article were alleged to be misbranded in that the statements in the labeling which represented and suggested that it was efficacious to bring about normal growth and development of infants and children; that it was efficacious in the cure, mitigation, treatment, or prevention of malnutrition, lowered resistance, and rundown states, and for use during prolonged illnesses such as infections, anemias, tuberculosis, and typhoid; that it was efficacious in the treatment of gastro-intestinal conditions such as diarrhea and colitis, and for use when restrictions in diet become necessary, as in obesity, diabetes, and catarrhal jaundice, and whenever the total food intake must be increased as in hyperthyroid conditions; that it was efficacious in the cure, mitigation, treatment, or prevention of skin diseases such as eczema, for certain allergic conditions such as those due to milk, eggs, and wheat, and for temporary or persistent vomiting, especially during infancy, childhood, and pregnancy; and that it was efficacious as a prophylaxis or treatment of abnormal dentition, or gum and tooth conditions were false and misleading since the article was not efficacious for the conditions indicated.

All shipments of the article were alleged to be adulterated and misbranded in that its strength differed from and its quality fell below that which it purported and was represented to possess, and the labeling was false and misleading since it was represented to contain 9,000 (or 4,000) U. S. P. units of vitamin A per 0.6 cc., whereas it contained in each 0.6 cc. less than the declared amount of vitamin A.

The article was also alleged to be adulterated and misbranded under the provisions of the law applicable to foods, as reported in notices of judgment on foods.

On November 6, 1942, a plea of nolo contendere having been entered, a fine of \$250 was imposed on the first count of the information and imposition of sentence was suspended on the remaining 15 counts.

880. Misbranding of prophylactics. U. S. v. 41 Gross of Midgets. Default decree of condemnation. Product ordered destroyed. (F. D. C. No. 7985. Sample No. 16834-F.)

This product purported to be a prophylactic, but would not be effective for such purpose because it contained holes.

On July 25, 1942, the United States attorney for the Southern District of New York filed a libel against 41 gross of an article labeled in part: "Midgets the Short Cap Type Sheath," at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about July 10, 1942, by the Rubber Research Products Corporation from Jersey City, N. J.; and charging that it was adulterated and misbranded.