

DISPOSITION: August 7 and October 5, 1945. No claimant having appeared, judgments were entered ordering that the Washington lot be delivered to a local hospital and that the Utah lot be destroyed.

1775. Adulteration and misbranding of adhesive gauze bandage. U. S. v. 6¼ Gross Packages of Adhesive Gauze Bandage. Default decree of condemnation and destruction. (F. D. C. No. 16309. Sample No. 4611-H.)

LIBEL FILED: June 1, 1945, Middle District of Pennsylvania.

ALLEGED SHIPMENT: January 24, 1945, by the World Merchandise Exchange, from New York, N. Y.

PRODUCT: 6¼ gross packages of *adhesive gauze bandage* at Harrisburg, Pa.

LABEL, IN PART: "Home-aid Brand 8 Adhesive Strips For Home, Factory and Sport Use."

NATURE OF CHARGE: Adulteration, Section 501 (b), the article purported to be a drug, "Adhesive Absorbent Gauze [Adhesive Absorbent Compress]," the name of which is recognized in the United States Pharmacopoeia, an official compendium, but its quality and purity fell below the official standard since it was not sterile but was contaminated with living micro-organisms.

Misbranding, Section 502 (g), the article was not packaged as is prescribed in the United States Pharmacopoeia, since that compendium provides that "Each Adhesive Absorbent Gauze is packaged individually in such manner that sterility is maintained until the individual package is opened. One or more individual packages are packed in a second protective container."

DISPOSITION: September 20, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1776. Adulteration and misbranding of prophylactics. U. S. v. 500 Gross of Prophylactics (and 9 other seizure actions against prophylactics). Default decrees of condemnation and destruction. (F. D. C. Nos. 14928, 15235, 15239, 15240, 15292, 15380, 15454, 15456, 16228, 16255, 16976. Sample Nos. 97657-F, 6321-H, 6323-H, 10225-H, 18588-H, 18826-H, 20731-H, 22115-H, 23219-H, 23221-H, 23224-H, 23225-H, 23708-H, 23717-H, 24184-H.)

LIBELS FILED: Between January 2 and August 13, 1945, District of Minnesota, Eastern and Western Districts of Missouri, Southern District of New York, Eastern District of Louisiana, Southern District of Texas, and Western District of Pennsylvania.

ALLEGED SHIPMENT: Between November 25, 1944, and May 2, 1945, by the Killashun Sales Division, from Akron, Ohio.

PRODUCT: *Prophylactics*, 654½ gross at Minneapolis, Minn., 249 gross at St. Louis, Mo., 50 gross at New York, N. Y., 250 gross at New Orleans, La., 419 gross at Houston, Tex., 40 gross at Pittsburgh, Pa., 32 gross at Kansas City, Mo., and 42¾ gross at Springfield, Mo. Examination of samples of the product disclosed that a number were defective in that they contained holes.

LABEL, IN PART: "Xcello's Prophylactics," or "Silver-Tex Prophylactics."

NATURE OF CHARGE: Adulteration, Section 501 (c), the quality of the article fell below that which it purported and was represented to possess.

Misbranding, Section 502 (a), the label statement "Prophylactics" was false and misleading as applied to an article containing holes.

DISPOSITION: Between March 8 and October 3, 1945, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS*

1777. Misbranding of Clover Blossom Honey. U. S. v. Harold L. Pagel (Clover Blossom Honey Co.). Plea of guilty. Fine, \$500. (F. D. C. No. 15577. Sample No. 81808-F.)

LIBEL FILED: August 3, 1945, Middle District of Pennsylvania, against Harold L. Pagel, trading as the Clover Blossom Honey Co., Wilkes-Barre, Pa.

ALLEGED SHIPMENT: On or about June 7, 1944, from the State of Pennsylvania into the State of Connecticut.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in an accompanying booklet entitled "Home Remedies Use Only Clover Blossom

*See also Nos. 1752-1760, 1764, 1766-1769, 1776.

Honey" were false and misleading since they represented and created the impression that glucose is superior to common white sugar in nutritional properties and digestibility; that white sugar is not readily available in the body economy; that the saccharine substance in honey is all glucose; that honey is more digestible and acceptable to the body than ordinary white sugar; that honey is unequaled as an energy producer for tired and run-down people; that honey is of peculiar and special value in the diet of diabetic patients; that honey is of special value in heart weakness; that it would be of value in reviving the heart action and keeping patients alive; that the article, when used in conjunction with certain substances named in the booklet and in the manner set forth therein, would be efficacious in the cure, mitigation, treatment, and prevention of asthma and anemic conditions, bladder and kidney trouble, boils, cuts, scratches, and burns, bronchitis, colds, croup and whooping cough, corns, eczema, flu, high blood pressure, gas on the stomach, or heartburn, goiter, grip, hay fever, lost appetite, underweight, nervousness, loss of sleep, piles, pimples, a run-down condition, rheumatism, sinus trouble, stomach cramps, skin diseases, stomach trouble, smothering spells, sore mouth, sore throat, billiousness, ulcerated stomach, ulcerated sore throat, and worms; that it would be efficacious to aid babies in teething; that it would be efficacious as a canary bird tonic, poultice, and spring tonic; that it possessed marvelous healing properties; that it would aid in reducing and in gaining body weight; that it would aid in removing specks from the eye; and that it would be efficacious in the treatment of constipation and headaches. Glucose is not superior to common white sugar in nutritional properties and digestibility; white sugar is readily available in the body economy; the saccharine substance in honey is not all glucose; honey is not more digestible and acceptable to the body than ordinary white sugar; there is no advantage in using honey in the place of ordinary cane or beet sugar; honey is not unequaled as an energy-producer for tired, run-down people; honey is not of peculiar and special value in the diet of diabetic patients; honey is not of special value in heart weakness, and it would be of no value in reviving the heart action and keeping patients alive; the article did not possess marvelous healing properties; and the article, when used in conjunction with the substances named and in the manner set forth in the booklet, would not be efficacious for the purposes represented.

DISPOSITION: October 23, 1945. A plea of guilty having been entered, the court imposed a fine of \$500.

1778. Misbranding of Calwhey. U. S. v. Christian L. Neubert (the Calwhey Co.). Plea of guilty. Fine, \$50. (F. D. C. No. 11392. Sample No. 12275-F.)

INFORMATION FILED: June 10, 1944, Northern District of California, against Christian L. Neubert, trading as the Calwhey Co., San Francisco, Calif.

ALLEGED SHIPMENT: On or about May 13, 1943, from the State of California into the State of Washington.

PRODUCT: Examination disclosed that the product consisted essentially of dried whey.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain label statements were false and misleading since they represented and suggested that the article would be efficacious in controlling body temperature and in increasing the beneficial type of flora; that it would preserve the normal alkalinity of the blood; that it would be efficacious as a mild intestinal bactericide; that it would be efficacious in the cure, mitigation, treatment, or prevention of colitis, nervousness, and listlessness; that it would be efficacious to stimulate the liver, to increase the flow of bile, and to promote natural peristalsis; that it would aid and promote good digestion; that it would promote a healthy skin; and that it would be efficacious to reduce body weight. The article would not be efficacious for the purposes represented.

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

DISPOSITION: June 23, 1944. A plea of guilty having been entered, the court imposed a fine of \$25 on each of 2 counts.

1779. Misbranding of Delamer. U. S. v. Frank E. Birtwhistle (Del Monte Laboratories). Plea of nolo contendere. Fine, \$2. (F. D. C. No. 12581. Sample No. 36512-F.)

INFORMATION FILED: January 17, 1945; amended April 9, 1945, Northern District of California, against Frank E. Birtwhistle, trading as the Del Monte Laboratories, Monterey, Calif.