

ether at Richmond, Va. and 35 cans of ether at Seattle, Wash. The libels alleged that the article had been shipped in interstate commerce between the dates of March 31 and October 13, 1937, by Merck & Co., Inc., in part from Rahway, N. J., in part from New York, N. Y., and in part from St. Louis, Mo., and that it was adulterated and misbranded in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, namely, "ether," and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia.

It was alleged to be misbranded in that the statements on the label, "Ether * * * U. S. P." and "Ether for Anesthesia * * * U. S. P.," were false and misleading as applied to an article which contained benzaldehyde.

On November 26, 1937, Merck & Co., Inc., having filed their claim for the lots seized at New York, N. Y., having admitted the allegations of the libels, and the cases having been consolidated, judgment of condemnation was entered, and it was ordered that the said lots be released under bond provided that they be repacked for sale as motor ether. On December 31, 1937, and February 23, 1938, no claim having been entered for the remaining lots, judgments of condemnation were entered and they were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28355. Adulteration and misbranding of gauze bandage. U. S. v. 20 Boxes and 22 Boxes of Gauze Bandage. Default decree of condemnation and destruction. (F. & D. No. 40579. Sample No. 56868-C.)

This product was labeled to indicate that it was suitable for surgical use, whereas it was contaminated with viable micro-organisms.

On October 26, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 42 boxes of National Gauze Bandage at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about September 17, 1937, by the Hampton Manufacturing Co. from Carlstadt, N. J., and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged to be adulterated in that its purity fell below the professed standard or quality under which it was sold, namely, gauze bandage suitable for surgical use; whereas it was not sterile but contained viable aerobic and anaerobic or facultative anaerobic micro-organisms.

It was alleged to be misbranded in that the statement on the package, "This * * * bandage has been scientifically prepared for surgical use under sanitary manufacturing conditions," was false and misleading as applied to an article that was not sterile but was contaminated with viable micro-organisms.

On November 10, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28356. Adulteration and misbranding of M. S. A. Compress Bandage. U. S. v. 145 Packages of M. S. A. Compress Bandage. Default decree of condemnation and destruction. (F. & D. No. 41081. Sample No. 24543-C.)

This product was labeled "Sterilized"; whereas it was not sterile but was contaminated with viable micro-organisms.

On December 13, 1937, 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 145 packages of compress bandage at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about April 21, 1937, by the Mine Safety Appliance Co. from Pittsburgh, Pa., and charging adulteration and misbranding 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, namely, "Bandage Sterilized," since it was not sterile but was contaminated with viable micro-organisms.

It was alleged to be misbranded in that the statement on the label, "Sterilized," was false and misleading as applied to an article that was not sterile.

On December 28, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*