

charging misbranding with respect to all lots and adulteration with respect to portions in violation of the Food and Drugs Act.

The gauze bandage and a portion of the absorbent cotton were alleged to be adulterated in that their purity fell below the professed standard or quality under which they were sold, namely, "Sterilized After Packaging," since they were not sterile but were contaminated with viable micro-organisms.

All lots were alleged to be misbranded in that the following statements and design on the cartons were false and misleading when applied to articles that were not sterile: (Gauze bandage) "Sterilized After Packaging," "Acme Prepared for Surgical purposes and for general uses in the Sick Room," "Acme Surgical Gauze"; (portion of absorbent cotton) "Sterilized," "Sterilized After Packaging for Surgical and Sanitary Uses"; (remainder of absorbent cotton) the design of a nurse's head accompanied by the word "Hospital," the statements "Surgical Absorbent Cotton This surgical cotton has been processed to a high degree of refinement. It is recommended for sick room, first aid, nursery * * * purposes," and the word "Acme," which constituted a part of the firm name.

On October 19 and 20, 1938, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29779. Adulteration and misbranding of "Ether U. S. P. 10 * * * (Ethyl Oxide U. S. P. XI)." U. S. v. 46 Cans and 14 Cans of Ether. Default decrees of condemnation and destruction. (F. & D. Nos. 44095, 44096. Sample Nos. 33895-D, 33896-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages at the time of examination, was found to contain peroxide in 9 of the 10 cans examined. Consequently, it fell below the standard for ether defined in the United States Pharmacopoeia, tenth revision, and for ethyl oxide defined in the said pharmacopoeia, eleventh revision.

On October 24, 1938, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 60 cans of ether at Washington, D. C.; alleging that the article had been shipped by Merck & Co., Inc., in part on or about September 7, 1938, from Elizabeth, N. J., and in part on or about September 8, 1938, from Rahway, N. J.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it was sold under names recognized in the United States Pharmacopoeia, namely, "Ether" and "Ethyl Oxide," and differed from the standards of strength, quality, and purity as determined by the tests laid down in the said pharmacopoeia, and its own standard of strength, quality, and purity was not stated on the label. Adulteration was alleged further in that its purity fell below the professed standard or quality under which it was sold, i. e., "Ether U. S. P. 10," since it did not conform to the specification of the tenth revision of the pharmacopoeia in that it contained peroxide.

Misbranding was alleged in that the statements on the label, "Ether U. S. P. 10" and "Ethyl Oxide U. S. P. XI," were false and misleading since the article did not conform to the specifications of the tenth revision of the pharmacopoeia for ether nor of the eleventh revision of the said pharmacopoeia for ethyl oxide.

On November 1, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29780. Adulteration and misbranding of absorbent cotton and gauze bandage. U. S. v. 270 Dozen Packages of Gauze Bandage (and 1 seizure action against similar products). Default decree of condemnation and destruction. (F. & D. Nos. 42316, 43015, 43016, 43017. Sample Nos. 17134-D, 29621-D, 29622-D, 29623-D.)

These products having been shipped in interstate commerce and remaining unsold and in the original packages at the time of examination, were found to be contaminated with viable micro-organisms.

On May 6 and July 2, 1938, the United States attorneys for the District of Maryland and the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 270 dozen packages of gauze bandage at