

The lot seized at Lubbock was alleged to be adulterated in that its purity fell below the professed standard or quality under which it was sold, namely, (on 1 dozen containers) "Sterilized," since it was not sterile but was contaminated with viable micro-organisms.

Both lots were alleged to be misbranded in that the statements, (lot at Lubbock, 1 dozen containers) "Hospital Brand Gauze Bandages, Sterilized after packaging," and (both lots, labels) "Hospital bandage," "This Bandage is \* \* \* Prepared Under the Most Sanitary and Scientific Conditions. Absolute Satisfaction Guaranteed," and the design of a surgeon and nurse, also appearing on the labels of both lots, were false and misleading when applied to an article that was not sterile but was contaminated with viable micro-organisms.

On July 31 and August 16, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

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

**30893. Adulteration and misbranding of First Aid Kits. U. S. v. 93 First Aid Kits. Default decree of condemnation and destruction. (F. & D. No. 45401. Sample No. 41270-D.)**

This product had been shipped in interstate commerce and remained unsold and in the original packages. At the time of examination the absorbent cotton and the surgical gauze in the kits were found to be contaminated with viable micro-organisms.

On May 25, 1939, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 93 first aid kits at Billings, Mont.; alleging that the article had been shipped on or about March 16, 1939, by the American White Cross Laboratories, Inc., from New Rochelle, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration was alleged in that the purity of the article fell below the professed standard and quality under which it was sold, namely, "Surgical Gauze" and "Absorbent Cotton," in that the kits were not sterile but were contaminated with viable micro-organisms.

Misbranding was alleged in that the statements (absorbent cotton, carton) "Sterilized, The White Cross of Perfection is Your Protection Sterilized After Packaging," (surgical gauze, carton) "Sterilized The White Cross of Perfection is Your Protection Surgical Gauze Sterilized after Packaging," (card enclosed in kits) "Often small cuts or burns are not considered serious and are dismissed too lightly. The slightest injury if not treated at once may cause infection. Keep a First Aid Kit handy and be prepared in an emergency. Use American White Cross surgical dressings. None better," (leaflet enclosed in kits) "Bleeding Wounds With Severe Bleeding Veins—\* \* \* Apply to sterilized gauze pad tightly directly over the wound \* \* \* Arteries—\* \* \* cover with sterilized gauze \* \* \* Nose Bleeding—Hold head back. Breathe in through the nose and out through the mouth. If these fail, pack nostril with sterilized gauze or cotton. \* \* \* Cuts and Wounds \* \* \* Apply antiseptic and sterilized gauze dressing," were false and misleading, since the gauze and absorbent cotton were not sterile but were contaminated with viable micro-organisms.

On July 11, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

**30894. Adulteration and misbranding of sandalwood oil and misbranding of imitation sandalwood oil. U. S. v. Magnus, Mabee & Reynard, Inc. Plea of guilty. Fine, \$960. (F. & D. No. 42712. Sample Nos. 1714-D, 8053-D, 10832-D, 10833-D, 13030-D, 15925-D, 16212-D, 16213-D, 16253-D, 16254-D, 16255-D, 16471-D, 16472-D, 18028-D, 21518-D, 23743-D, 23744-D, 23745-D, 24355-D, 24865-D, 28966-D, 30053-D.)**

This case involved a large number of shipments of a product labeled, "Oil Sandalwood East Indian U. S. P.," which differed from the standard for sandalwood oil laid down in the United States Pharmacopoeia since it did not have the characteristic odor of sandalwood and contained terpineol, an adulterant. There were also included two shipments of a product intended for use as a drug and labeled "Oil Sandalwood Imitation." Imitation drugs are misbranded in violation of the Food and Drugs Act.

On July 17, 1939, 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 an information against Magnus, Mabee & Reynard, Inc., New York, N. Y., alleging shipment by said company in violation of the Food and Drugs Act within the period from on or about March 31, 1937, to on or about June 11, 1938, from the State of New York into the States of Pennsylvania, New Jersey, Oklahoma, Texas, California, Michigan, Louisiana, West Virginia, Georgia, and South Carolina of quantities of sandalwood oil which was adulterated and misbranded and of quantities of imitation sandalwood oil which was misbranded.

The sandalwood oil was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia but differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopoeia since it was not the volatile oil distilled with steam from the dried heartwood of *Santalum album* Linné, it did not have the characteristic odor of sandalwood, and it contained terpineol, which is not mentioned in the pharmacopoeia as a constituent of the product; whereas the pharmacopoeia requires that sandalwood oil (oil of santal) be the volatile oil distilled with steam from the dried heartwood of *Santalum album* Linné, and that it have the characteristic odor of sandalwood; and its own standard of strength, quality, and purity was not declared on the container. It was alleged to be adulterated still further in that its purity fell below the professed standard and quality under which it was sold.

The sandalwood oil was alleged to be misbranded in that the statement "Oil Sandalwood \* \* \* U. S. P.," borne on the label, was false and misleading. It was alleged to be misbranded further in that it was a product composed in part of a terpineol, which had been prepared in imitation of sandalwood oil and had been offered for sale and sold under the name of another article, oil sandalwood.

The imitation sandalwood oil was alleged to be misbranded in that it was an imitation of another article, namely, sandalwood oil, a drug.

On August 11, 1939, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$960, i. e., \$30 on each of the 32 counts of the information.

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

**30895. Misbranding of Sodasal. U. S. v. 21 Packages of Sodasal (and 1 other seizure action against the same product). Default decrees condemnation and destruction.** (F. & D. Nos. 44963, 45087. Sample Nos. 42971-D, 52224-D.)

This product was misbranded because of false and misleading representations in the labeling regarding its composition, false and misleading claims that it was a safe and appropriate remedy for the disease conditions enumerated in the labeling, and false and fraudulent claims regarding its curative and therapeutic effectiveness.

On March 9 and 25, 1939, the United States attorney for the Western District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 36 packages [bottles] of Sodasal at Pittsburgh, Pa.; alleging that the article had been shipped in interstate commerce on or about February 18 and 21, 1939, by the Sodasal Laboratories from Detroit, Mich., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article contained aminopyrine (approximately 8 grains per fluid ounce), sodium salicylate (2 samples examined contained 33.5 grains and 15 grains, respectively), sodium bicarbonate, sugar, and water.

The article was alleged to be misbranded in that the designations, (1 shipment) "Alkaline Sodasal Compound" and (other shipment) "Anti-Acid Sodasal Compound," were false and misleading since it contained, in addition to alkali and sodium salicylate, a material amount of aminopyrine, in that the statement on the bottle and in the circular contained in the package, "Sodasal contains no aspirin; no acetanilid or other blood thinners," was false and misleading since the article contained aminopyrine, the consumption of which might result in serious depletion of the white blood cells; in that the statement on the bottle, "If ears ring cut down the dose," was false and misleading in that it created the impression that the article might be safely consumed unless it caused ringing of the ears, whereas its consumption might be dangerous even though it did not cause ringing of the ears; in that the statement in the circular, "Sodasal contains a U. S. P. dose of salicylates of such proven value in rheumatoid suffering," was false and