

On October 26, 1936, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 542 packages of absorbent cotton at Milwaukee, Wis.; alleging that the article had been shipped in interstate commerce on or about July 30 and August 5, 1936, by American White Cross Laboratories, Inc., from Cape Girardeau, Mo.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (A portion) "Sterilized White Cross Absorbent Cotton"; (remainder) "Hi-Test Absorbent Cotton Hi-Test Laboratories Cleveland, Ohio."

It was alleged to be adulterated in that its purity fell below the professed standard and quality under which it was sold, namely, "Sterilized," since it was not sterile but was contaminated with viable micro-organisms.

Misbranding was alleged in that the statements in the labeling, (White Cross brand) "Sterilized," and "The White Cross of Perfection is Your Protection," and (Hi-Test brand) "Sterilized," "Hi-Test Hospital Cotton," and "Hi-Test Absorbent Cotton," were false and misleading when applied to cotton that was not sterile. The Hi-Test brand was alleged to be misbranded further in that the statement on the label, "Hi-Test Laboratories Cleveland, Ohio," was false and misleading since it did not give the correct name and address of the manufacturer of the article.

On April 26, 1939, the claimant having withdrawn its claim and answer, judgment of condemnation was entered and the product was ordered destroyed.

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

30898. Adulteration and misbranding of gauze roller bandages, plain gauze packets, and plain gauze cotton-wound applicators. U. S. v. 914 Packages of Gauze Roller Bandage (and two other seizure actions against similar products). Default decrees of condemnation and destruction. (F. & D. Nos. 38984, 38985, 38986. Sample Nos. 28001-C, 28002-C, 28003-C.)

These products had been shipped in interstate commerce and remained unsold and in the original packages. At the time of examination they were found to be contaminated with viable micro-organisms.

On January 25, 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 libels praying seizure and condemnation of 914 packages of gauze roller bandages, 132 packets of gauze, and 64 packets of cotton-wound applicators at San Francisco, Calif.; alleging that the articles had been shipped by the Mine Safety Appliances Co. from Pittsburgh, Pa., within the period from on or about November 22, 1935, to on or about October 14, 1936; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The gauze roller bandages were alleged to be adulterated in that their purity fell below the professed standard or quality under which they were sold, namely, "Sterilized," since they were not sterile but were contaminated with viable micro-organisms. They were alleged to be misbranded in that the statements "Sterilized" and "Safety" and the word "Safety," forming a part of the firm name, "Mine Safety Appliances Co.," borne on the labeling, were false and misleading when applied to articles that were not sterile.

The gauze packets (2 lots) were alleged to be adulterated in that their purity fell below the professed standard or quality under which they were sold, namely, "Sterilized" or "Sterile," since they were not sterile but were contaminated with viable micro-organisms. They were alleged to be misbranded in that the statements (one lot) "Gauze Packet * * * Sterilized" (a second lot) "Sterilized," and the word "Safety" constituting part of the firm name "Mine Safety Appliances Co.," borne on the labeling, were false and misleading when applied to articles that were not sterile.

The cotton-wound applicators were alleged to be adulterated in that their purity fell below the professed standard or quality under which they were sold, namely, "Cotton-Wound Applicators * * * Mine Safety Appliances Co.," since such labeling is applicable only to sterile articles, and these articles were contaminated with viable micro-organisms. They were alleged to be misbranded in that the word "Safety" forming a part of the firm name, "Mine Safety Appliances Co.," was false and misleading, since the articles were not safe but were contaminated with viable micro-organisms.

On July 1, 1939, default decrees of condemnation were entered and the products were ordered destroyed.

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