1480. Adulteration and misbranding of prophylactics. U. S. v. 19 Gross of Prophylactics. Default decree of destruction. (F. D. C. No. 13899. Sample No. 80939–F.)

On or about October 9, 1944, the United States attorney for the Western District of Missouri filed a libel against 19 gross of prophylactics at Kansas City, Mo., alleging that the article had been shipped on or about August 30, 1944, by International Distributors, from Memphis, Tenn. The article was labeled in part: "Silver-Tex Prophylactics."

Samples of the article were found to be defective because of the presence of holes.

The article was alleged to be adulterated in that its quality fell below that which it purported and was represented to possess.

In was alleged to be misbranded in that the labeling statements, "Prophylactics" and "for the prevention of disease," were false and misleading since the article contained holes.

On November 16, 1944, no claimant having appeared, judgment was entered ordering the product destroyed.

1481. Adulteration and misbranding of prophylactics. U. S. v. 38 Gross of Prophylactics. Default decree of condemnation and destruction. (F. D. C. No. 13427. Sample No. 80284–F.)

On August 25, 1944, the United States attorney for the Eastern District of Missouri filed a libel against 38 gross of prophylactics at St. Louis, Mo., alleging that the article had been shipped on or about August 3, 1944, from Indianapolis, Ind., by Donald Beaumont. The article was labeled in part: "deluxe Silver Ray."

Examination of samples disclosed that the article was defective in that it contained holes.

The article was alleged to be adulterated in that its quality fell below that which it purported and was represented to possess. It was alleged to be misbranded (1) in that the label statements, "Sold For Prevention of Diseases Only Triple Air Tested Guaranteed Five Years" and "deluxe Guaranteed 5 Years Disease Preventative," were false and misleading as applied to an article which contained holes; and (2) in that it was in package form and failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor.

On September 18, 1944, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS*

DRUGS AND DEVICES FOR HUMAN USE

1482. Misbranding of Alliodis. U. S. v. 12 Cartons, 15 Cartons, and 1 Carton of Alliodis. Default decree of condemnation and destruction. (F. D. C. No. 14426. Sample No. 80951–F.)

On November 15, 1944, the United States attorney for the Western District of Oklahoma filed a libel against 12 cartons, each containing 50 capsules, 15 cartons, each containing 100 capsules, and 1 carton containing 1,000 capsules of Alliodis at Oklahoma City, Okla., alleging that the article had been shipped on or about August 23 and September 19, 1944, by the Neuhaus Products Co., from Los Angeles, Calif.

Examination showed that the article was an olive oil extract of mascerated garlic.

The article was alleged to be misbranded in that certain statements in an accompanying circular entitled "Alliodis in Functional Hypertension" were false and misleading since they represented and suggested that the article was effective for the reduction of high blood pressure (hypertension), whereas the article was not effective for that purpose.

On January 10, 1945, no claimant having appeared, judgment of condemnation was entered and the product, together with the circular, was ordered destroyed.

1483. Misbranding of Bennett's Pep-Em-Up. U. S. v. 45 Bottles of Bennett's Pep-Em-Up. Default decree of condemnation and destruction. (F. D. C. No. 12918. Sample No. 28878–F.)

On or about July 15, 1944, the United States attorney for the Southern District of Florida filed a libel against 45 bottles, each containing 6 fluid ounces, of the

*See also Nos. 1451, 1454, 1458–1460, 1462, 1470, 1477–1481.