30380. Adulteration and misbranding of prophylactics. U. S. v. 5 Dozen Prophylactics. Default decree of condemnation and destruction. (F. & D. No. 44959. Sample No. 60103–D.)

Samples of this product were found to be defective in that they contained holes.

On March 9, 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 a libel praying seizure and condemnation of 5 dozen prophylactics at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about July 25, 1938, by Akron Drug & Sundries Co. from Akron, Ohio; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold.

It was alleged to be misbranded in that the following statements in the labeling were false and misleading: (Envelope) "Crest Brand Goldbeaters are made from the choicest grade of materials obtainable * * * and represent the highest quality of Goldbeaters. * * * for the prevention of contagious diseases"; (circular) "For the prevention of disease."

On March 27, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

30381. Adulteration and misbranding of prophylactics. U. S. v. 8 Gross of Rubber Prophylactics. Default decree of condemnation and destruction. (F. & D. No. 44937. Sample No. 42965–D.)

Samples of this product were found to be defective in that they contained holes.

On March 2, 1939, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 8 gross of rubber prophylactics at Pittsburgh, Pa.; alleging that the article had been shipped in interstate commerce on or about January 26, 1939, by Universal Merchandise Co. (Gotham Sales Co., Inc.) from New York, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold.

It was alleged to be misbranded in that the following statements in the labeling were false and misleading: "Air Tested * * * Saf-T-Way Prophylactics * * * Air Blown Tested."

On March 29, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

30382. Adulteration and misbranding of prophylactics. U. S. v. 50 Gross of Rubber Prophylactics (and 3 other seizure actions against the same products). Default decrees of condemnation and destruction. (F. & D. Nos. 44221, 44567, 44622, 44765. Sample Nos. 19763–D, 19770–D, 35728–D, 35732–D, 45741–D, 59529–D, 59534–D.)

Samples of this product were found to be defective in that they contained holes.

On October 21 and December 21, 1938, and January 6 and February 3, 1939, the United States attorneys for the Districts of Massachusetts and Minnesota, Southern District of New York, and the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 50 gross of prophylactics at Boston, Mass.; 74 gross at Minneapolis, Minn.; 350 gross at New York, N. Y., and 11 gross of prophylactics at Chicago, Ill.; alleging that the article had been shipped in interstate commerce within the period from on or about October 8, 1938, to on or about January 5, 1939, by Killashun Sales Division from Akron, Ohio; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold.

It was alleged to be misbranded in that the following statements in the labeling were false and misleading: "Guaranteed for 5 Years * * * For Prevention of Disease."

On January 26, February 13 and 18, and March 10, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

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

30383. Adulteration and misbranding of prophylactics. U. S. v. 38 Gross and 175 Gross of Prophylactics. Default decrees of condemnation and destruction. (F. & D. Nos. 44803, 44836. Sample Nos. 52921–D, 59364–D.)

Samples of this product were found to be defective in that they contained punctures or holes.

On February 9 and 15, 1939, the United States attorneys for the Southern District of New York and the Western District of Tennessee, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 38 gross of prophylactics at New York, N. Y., and 175 gross of prophylactics at Memphis, Tenn.; alleging that the article had been shipped in interstate commerce on or about January 16 and 28, 1939, by Goodyear Rubber Sundries, Inc., from New Haven, Conn.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration was alleged in that the strength of the article fell below the professed standard or quality under which it was sold.

It was alleged to be misbranded in that the following statements in the labeling were false and misleading: "Air Tested * * * For Prevention of Disease."

On March 4 and 25, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

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

30384. Adulteration of prophylactics. U. S. v. 288 Gross of Prophylactics. Default decree of condemnation and destruction. (F. & D. No. 44706. Sample No. 34934–D.)

Samples of this product were found to be defective in that they contained holes.

On January 20, 1939, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 288 gross of prophylactics at Baltimore, Md.; alleging that the article had been shipped in interstate commerce on or about December 15, 1938, by the Mayfair Chemical Corporation from New York, N. Y.; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that the strength of the article fell below the professed standard or quality under which it was sold.

On February 23, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

30385. Adulteration and misbranding of prophylactics. U. S. v. 34 Dozen Prophylactics. Default decree of condemnation and destruction. (F. & D. No. 44568. Sample No. 59415–D.)

Samples of this product were found to be defective in that they contained holes.

On December 27, 1938, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 34 dozen prophylactics at Hartford, Conn.; alleging that the article had been shipped in interstate commerce on or about August 2, 1938, by the Biddle Purchasing Co. from New York, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Three Star Brand Genuine Goldbeaters."

Adulteration was alleged in that the strength of the article fell below the professed standard or quality under which it was sold.

Misbranding was alleged in that the statement on the label, "for prevention of diseases," was false and misleading.

On March 6, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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