30031. Adulteration and misbranding of prophylactics. U. S. v. 1 Gross of Prophylactics. Default decree of condemnation and destruction. (F. & D. No. 44118. Sample No. 34172–D.)

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

On October 10, 1938, 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 1 gross of prophylactics at Baltimore, Md.; alleging that the article had been shipped in interstate commerce on or about September 22, 1938, by the Olympia Laboratory from Atlanta, Ga.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Black and Gold Perfect Transparents."

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 following statements in the labeling were false and misleading: "Perfect * * * For the prevention of disease * * * The merchandise which you will find in this package is made of the very best material * * * and with all the care and skill which long experience in manufacturing can give."

On November 14, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

30032. Adulteration and misbranding of prophylactics. U. S. v. 17½ Gross of Rubber Prophylactics. Default decree of condemnation and destruction. (F. & D. No. 42500. Sample No. 27297–D.)

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

On July 20, 1938, 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 17½ gross of rubber prophylactics at Butte, Mont.; alleging that the article had been shipped in interstate commerce on or about December 29, 1937; by the Western Latex Co. from Chicago, Ill.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Tru-Tex."

Adulteration was alleged in that the strength of the article fell below the professed standard and quality under which it was sold, since 14.5 percent of those examined were found to contain holes.

Misbranding was alleged in that the following statements in the labeling, "Disease Preventative * * * Prophylactic," were false and misleading.

On September 14, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

30033. Adulteration and misbranding of prophylactics. U. S. v. 26 Gross of Rubber Prophylactics (and 2 similar seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 44405, 44406, 44407. Sample Nos. 38989–D, 38990–D, 38991–D.)

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

On or about November 26, 1938, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 139 gross of prophylactics at St. Louis, Mo.; alleging that the article had been shipped in interstate commerce within the period from on or about August 20 to August 23, 1938, by the Latex Distributing Co., from Chicago, Ill.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled variously: "Red-Pak," "Red Bird," "Rx Liquid Latex."

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 following statements in the labeling were false and misleading: (Red-Pak) "For prevention of disease * * * Guaranteed for five years"; (Red Bird) "For prevention of disease"; (Rx Liquid Latex) "Guaranteed five years * * * the reliable prophylactic * * * to prevent disease."

On December 30, 1938, and January 7, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

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

30034. Adulteration and misbranding of prophylactics. U. S. v. 6 Gross of Rubber Prophylactics. Default decree of condemnation and destruction. (F. & D. No. 44116. Sample No. 5140–D.)

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

On October 19, 1938, the United States attorney for the District of Puerto Rico, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 6 gross of prophylactics at San Juan, P. R.; alleging that the article was in the possession of Braulio Caballero and was being offered for sale; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Saf-T-Skin Liquid Latex * * * Gotham Rubber Co., Chicago—New York."

It 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 statements in the labeling, "Saf T Skin * * * the modern prophylactic * * * to prevent disease * * * guaranteed five years * * * Saf T Skin the dependable prophylactic * * * disease preventative," were false and misleading.

On November 7, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

30035. Adulteration and misbranding of prophylactics. U. S. v. 45 Gross, 19 Gross, and 25 Gross of Prophylactics. Default decree of condemnation and destruction. (F. & D. No. 42958. Sample Nos. 25456–D, 25457–D, 25458–D.)

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

On or about June 20, 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 89 gross of prophylactics at Hartford, Conn.; alleging that the article had been shipped in interstate commerce on or about May 10, 1938, by the Mayfair Chemical Co. from New York, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled variously: "Silver-Town," "Gold Town," and "Pro-Tek."

It 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: (Silver-Town) "Disease Preventative * * * Prophylactic"; (Gold Town) "For Prevention Of Disease * * * Disease Preventative * * * Prophylactic"; (Pro-Tek) "Pro-Tek Disease Preventative * * * Prophylactic."

On October 26, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

30036. Adulteration and misbranding of prophylactics. U. S. v. 9 Gross of Rubber Prophylactics (and 1 similar seizure action). Default decrees of condemnation and destruction. (F. & D. Nos. 43842, 43955. Sample Nos. 22651–D, 34088–D.)

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

On September 13 and 23, 1938, the United States attorneys for the Eastern District of Virginia and the Western District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 9 gross of prophylactics at Norfolk, Va., and 14 gross of the product at Pittsburgh, Pa.; alleging that the article had been shipped in interstate commerce by the Martin-Glassman Corporation from New York, N. Y., the former on or about August 26, 1938, and the latter on or about September 8, 1938; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled "X-Cello's" or "Silver Tex."