Prevention of Disease * * * 100% air tested * * * These prophylactics are guaranteed to be 100% air tested in the spirit of conforming with the new Federal requirements of the Department of Agriculture. Each product undergoes individual inspection and achieves the highest possible degree of perfection * * * Guaranteed 100% air tested"; (Saf-T-Skin) "The Dependable Prophylactic * * * Saf-T-Skin * * * To prevent disease * * * The modern prophylactic * * * Guaranteed 5 years * * * Disease Preventative * * * For Medical Purposes."

On various dates between February 23 and April 23, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

28710. Adulteration and misbranding of rubber prophylactics. U. S. v. 12 Gross of Rubber Prophylactics (and 3 other seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 41631, 41691, 42084, 42189. Sample Nos. 1315–D, 14001–D, 14002–D, 24811–D, 24958–D.)

Examination of these prophylactics showed that some of them were defective in that they contained holes.

On various dates between February 7 and April 15, 1938, four United States attorneys, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 47 9/24 gross of rubber prophylactics in various lots at Richmond, Va.; Manchester, N. H.; High Point, N. C.; and Wilmington, Del. The libels alleged that the article had been shipped in interstate commerce on various dates between September 16, 1937, and March 3, 1938, from New York, N. Y., by C. I. Lee & Co., Inc. The article was labeled in part, variously: "Liquid Latex," "Xcello's," "Blu-Pac," and "Star-Hide."

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

Misbranding was alleged in that the following statements on the labeling were false and misleading: (Liquid Latex) "Disease Preventative * * * Guaranteed five years"; (Xcello's) "The perfected Latex * * * For Prevention of Disease"; (Star-Hide) "For the Prevention of Contagious Disease * * * Unconditionally Guaranteed 5 Years"; (Blu-Pac) "Guaranteed for 2 Years * * * It is Guaranteed against deterioration for two years * * * For the prevention of Disease * * * Guaranteed Air Tested * * * Disease Preventative * * * Guaranteed 5 Years."

On various dates between March 5 and May 13, 1938, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

28711. Adulteration and misbranding of rubber prophylactics. U. S. v. 20 Gross of Dr. Gray's Disease Preventative (and one other seizure of the same product). Default decrees of condemnation and destruction. (F. & D. Nos. 41763, 41764. Sample Nos. 7667–D, 7668–D.)

Examination of these prophylactics showed that some of them were defective in that they contained holes.

On February 21, 1938, 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 libels praying seizure and condemnation of 55 gross of rubber prophylactics at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about February 3 and 5, 1938, from New Haven, Conn., by the Crown Sundry Co., 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.

Misbranding was alleged in that the following statements appearing on the labeling were false and misleading: (Portion) "Dr. Gray's Disease Preventative Prophylactics * * * For Prevention of Disease * * * Guaranteed Five Years"; (remainder) "Prophylactic Disease Preventative * * * Guaranteed 100% Perfect * * * Guaranteed For Five Years."

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

W. R. GREGG, *Acting Secretary of Agriculture.*