

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 in the labeling were false and misleading: (Gold Tex) "Prophylactic Disease Preventative \* \* \* Guaranteed 100% Perfect \* \* \* Guaranteed for Five Years"; (Xcello's) "For Prevention of Disease \* \* \* Xcello's the perfected latex Guaranteed Five Years Notice the Within Articles are Manufactured and sold for Prevention of Contagious Diseases"; (Tetratex) "For Prevention of Disease \* \* \* Prophylactic \* \* \* Guaranteed Five Years."

On February 28 and March 10 and 28, 1938, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

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

**28717. Adulteration and misbranding of rubber prophylactics. U. S. v. 25 Gross and 45 Gross of Rubber Prophylactics. Default decrees of condemnation and destruction. (F. & D. Nos. 41851, 41852. Sample Nos. 9412-D, 9413-D.)**

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

On March 1, 1938, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 70 gross of rubber prophylactics at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about January 28, 1938, from New York, N. Y., by Gotham Sales Co. The article was labeled in part: "Silver Skin" or "Genuine Liquid Latex."

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 appearing in the labeling were false and misleading: (Silver Skin) "Skin \* \* \* Prophylactics, \* \* \* For Prevention of Disease, \* \* \* Guaranteed Five Years"; (Liquid Latex) "For Medical Purposes \* \* \* Guaranteed five years."

On March 30, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

**28718. Adulteration and misbranding of rubber prophylactics. U. S. v. 3 $\frac{3}{8}$  Gross of Rubber Prophylactics. Default decree of condemnation and destruction. (F. & D. No. 41651. Sample No. 1724-D.)**

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

On February 12, 1938, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 3 $\frac{3}{8}$  gross of rubber prophylactics at Dallas, Tex., alleging that the article had been shipped in interstate commerce on or about August 7, 1937, from Akron, Ohio, by the Akron Drug & Sundries Co., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Koin-Pack."

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 appearing in the labeling were false and misleading: "The Sanitary Prophylactic," "For the Prevention of Disease," and "Sold by Druggists only on Advice of Physicians for Prevention of Disease."

On March 25, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

**28719. Adulteration and misbranding of rubber prophylactics. U. S. v. 26 Gross and 29 Gross of Rubber Prophylactics (and 4 other seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 41558, 41650, 42017, 42079, 42123. Sample Nos. 812-D, 813-D, 7896-D, 9747-D, 9962-D, 9982-D.)**

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

On various dates between January 31 and April 4, 1938, the United States attorneys for the Northern District of Georgia and the Middle District of Penn-