about September 27 and October 19, 1939, by Gotham Sales Co. from New York, N. Y.; and charging that it was adulterated and that one lot was also misbranded. The article was labeled in part: "Tally-Ho" or "Saf-T-Way."

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

The Saf-T-Way brand was alleged to be misbranded in that its labeling conveyed the false and misleading impression that it was a safe prophylactic.

On December 12 and 20, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

128. Adulteration and misbranding of prophylactics. U. S. v. 108 Gross, 169 Gross, and 13 Gross of Prophylactics. Default decrees of condemnation and destruction. (F. D. C. Nos. 1045, 1046, 1227. Sample Nos. 62614-D, 63372-D, 63373-D, 63374-D.)

On November 21 and December 21, 1939, the United States attorneys for the Western District of Tennessee and the Southern District of Texas filed libels against 277 gross of prophylactics at Memphis, Tenn., and 13 gross of prophylactics at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about October 25, 26, and 31, 1939, by Universal Merchandise Co. from New York, N. Y., and New Orleans, La.; and charging that it was adulterated and that one lot was also misbranded. It was labeled in part: "Tally-Ho" or "Clinic."

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

The Clinic brand was also alleged to be misbranded in that representations in the labeling that it was dependable, would prevent disease and was guaranteed for 5 years were false and misleading.

On December 19, 1939, and January 23, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

129. Adulteration and misbranding of prophylactics. U. S. v. 107 5/12 Gross of Prophylactics (and 10 other seizure actions against prophylactics). Default decrees of condemnation and destruction. (F. D. C. Nos. 877, 908, 909, 1030, 1111, 1112, 1113, 1121, 1206, 1238, 1240. Sample Nos. 46842-D, 61485-D, 61487-D, 61491-D, 61492-D, 75447-D, 75448-D, 79614-D, 79615-D, 79629-D, 79630-D, 79704-D, 79705-D, 79706-D, 82508-D, 84354-D, 84355-D, 85677-D.)

Within the period from on or about November 6 to December 28, 1939, the United States attorneys for the Northern District of Georgia, Eastern District of Missouri, Northern District of Ohio, Eastern District of Michigan, Northern District of Illinois, Eastern District of Louisiana, and Middle District of Pennsylvania filed libels against 107-5/12 gross of prophylactics at Atlanta, Ga., 38 gross at St. Louis, Mo., 119 gross at Akron, Ohio, 59 gross at Detroit, Mich., 458 gross at Chicago, Ill., 151-9/12 gross at New Orleans, La., and 39 gross of prophylactics at Scranton, Pa., alleging that the article had been shipped in interstate commerce within the period from on about September 13 to on or about December 2, 1939, by Tecla Chemical Co. (or Tecla Chemical Corporation) in various shipments from New York, N. Y., and Newark, East Newark, and Harrison, N. J.; and charging that it was adulterated and that portions were also misbranded. The article was labeled in part variously: "Tally-Ho"; or "Saf-T-Way"; "Saf-T-Skin"; "Latex"; "A product of Liquid Latex"; "Crescent"; "Liquitex"; "Rx 95"; "R 97."

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

Portions of the article were alleged to be misbranded in that the labeling of the said portions collectively bore representations that it was a dependable, reliable. and safe prophylactic, that it would prevent disease, was guaranteed for 5 years, was of excellent quality, and was air-blown tested, which representations were false and misleading.

On November 29, December 12, 13, and 20, 1939, January 5, 8, and 18, and February 7 and 8, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

130. Misbranding of prophylactics. U. S. v. 71 Gross of Prophylactics. Default decree of condemnation and destruction. (F. D. C. No. 1342. Sample Nos. 70138-D, 70135-D.)

On January 11, 1940, the United States attorney for the Eastern District of Pennsylvania filed a libel against 71 gross of prophylactics at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about June 13, 1939, by Killashun Sales Division from Akron, Ohio; and charging