The article was alleged to be misbranded in that representations in the labeling that it would be efficacious for the prevention of disease and was guaranteed for 5 years were false and misleading.

On January 29, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

138. Adulteration and misbranding of prophylactics. U. S. v. 47 Gross of Prophylactics. Default decree of condemnation and destruction. (F. D. C. No. 1251. Sample No. 87279–D.)

On or about January 2, 1940, the United States attorney for the Eastern District of South Carolina filed a libel against 47 gross of prophylactics at Columbia, S. C., alleging that the article had been shipped in interstate commerce on or about November 10, 1939, by Ross Products from New York, N. Y.; and charging that it was adulterated and misbranded. It was labeled in part: "Genuine Latex Shield Prophylactics."

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

It was alleged to be misbranded in that representations in the labeling that it was a prophylactic, was air-tested, and was effective for the prevention of disease, were false and misleading.

On January 25, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

139. Adulteration of prophylactics. U. S. v. 94 Gross of Prophylactics. Default decree of condemnation and destruction. (F. D. C. No. 1166. Sample No. 62610–D.)

On December 8, 1939, the United States attorney for the Southern District of Texas filed a libel against 94 dozen prophylactics at Houston, Tex. On December 15, 1939, the libel was amended to cover 94 gross. It was alleged in the libel as amended that the article had been shipped in interstate commerce on or about February 28, 1939, by Standard Latex Products Corporation from New York, N. Y.; and that it was adulterated in that its quality fell below that which it purported or was represented to possess. It was labeled in part: "Silver Bond."

On January 16, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

140. Misbranding of prophylactics. U. S. v. 18 7/12 Gross of Prophylactics. Default decree of condemnation and destruction. (F. D. C. No. 1004. Sample No. 68146–D.)

On November 22, 1939, the United States attorney for the Southern District of New York filed a libel against 18 7/12 gross of prophylactics at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 15, 1939, by W. H. Reed & Co. from Atlanta, Ga.; and charging that the article was misbranded. The article was labeled in part: "Three Star Brand * * * Genuine Goldbeaters."

The article was alleged to be misbranded in that the representations in the labeling that it was double-selected, was made from a choice grade of materials, that it represented high quality, and was effective for the prevention of disease were false and misleading.

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