Akron and Dayton, Ohio; and charging that it was adulterated and that certain lots were also misbranded. Certain shipments were variously labeled in part: "Liquid Latex," or "Silver-Tex," or "Genuine Les Liquid Latex." One shipment was labeled in part: "Pickaniny Brand Supreme Goldbeaters * * * Manufactured by Olympia Lab. Atlanta, Ga." One shipment was stamped: "Killian Mfg. Co. Akron, Ohio."

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

Misbranding was alleged with respect to certain lots in that the representations in the labeling of the Liquid Latex brand that it was a prophylactic, was guaranteed for 5 years, and was effective for the prevention of disease; those in the labeling of the "Genuine Les Liquid Latex" brand that it was effective for the prevention of disease and was guaranteed for 5 years; those in the labeling of the Pickaniny brand that it was made from choice materials, represented a high quality, and would be effective for the prevention of disease; and those in the labeling of one shipment of the Silver-Tex brand that it was a disease preventative and was guaranteed for 5 years against deterioration under normal conditions, were false and misleading.

On February 23 and 24, March 25, April 22, and May 7, 13, and 14, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

261. Adulteration and misbranding of prophylactics. U. S. v. 24 Gross of Prophylactics. Default decree of condemnation and destruction. (F. D. C. No. 1493. Sample No. 61619–D.)

On or about February 17, 1940, the United States attorney for the Southern District of Texas filed a libel against 24 gross of prophylactics at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about January 5, 1940, by International Distributors from Memphis, Tenn.; and charging that it was adulterated and misbranded. The article was labeled in part: "Siver-Tex * * * Manufactured by the Killian Mfg. Co., Akron, Ohio."

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

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

On March 19, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

262. Adulteration and misbranding of prophylactics. U. S. v. 14 Gross of Prophylactics. Default decree of condemnation and destruction. (F. D. C. No. 1918. Sample No. 10621–E.)

On May 6, 1940, the United States attorney for the District of Connecticut filed a libel against 14 gross of prophylactics at Waterbury, Conn., alleging that the article had been shipped in interstate commerce on or about March 16, 1940, by J. Keller from Springfield, Mass.; and charging that it was adulterated and misbranded. The article was labeled in part: "Liquid Latex Triple Tested Protectors."

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

It was alleged to be misbranded in that its labeling bore representations that it was a most perfect product, was guaranteed against deterioration for 5 years, would be effective for the prevention of contagious disease, was a protector, and was triple-tested, which were false and misleading.

On September 20, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

263. Adulteration and misbranding of prophylactics (shorts). U. S. v. 15 Gross of Prophylactics. Default decree of condemnation and destruction. (F. D. C. No. 657. Sample No. 74021–D.)

On October 4, 1939, the United States attorney for the District of Rhode Island filed a libel against 15 gross of prophylactics at Providence, R. I., alleging that the article had been shipped in interstate commerce on or about September 8, 1939, by Lorica Laboratories, Inc., from Jersey City, N. J.; and charging that it was adulterated and misbranded. The article was labeled in part: "Lorica Transparent Shorts."

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