270. Adulteration and misbranding of prophylactics. U. S. v. 18 Gross of Prophylactics. Default decree of condemnation and destruction. (F. D. C. No. 1573. Sample No. 71366–D.)

On March 7, 1940, the United States attorney for the District of Arizona filed a libel against 18 gross of prophylactics at Tucson, Ariz., alleging that the article had been shipped in interstate commerce on or about January 20, 1940, by the Rogers Packing Car Co. from El Paso, Tex.; and charging that it was adulterated and misbranded. It was labeled in part "Protect-Us."

The article 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 representations in the labeling that it would afford protection, was 100 percent perfect, was a disease preventative, and was guaranteed for 5 years, were false and misleading.

On April 30, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

271. Adulteration and misbranding of prophylactics. U. S. v. 33 Gross and 48 Gross of Prophylactics. Default decrees of condemnation and destruction. (F. D. C. Nos. 1340, 1351. Sample Nos. 61460–D, 61621–D, 61625–D, 61626–D, 61627–D.)

On January 12 and 15, 1940, the United States attorney for the Eastern District of Louisiana filed libels against 81 gross of prophylactics at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about November 17 and December 28, 1939, by the Specialty Sales Co. from Atlanta, Ga.; and charging adulteration and misbranding. The article was labeled in part: "Tray-Ban," "Dred-Not," or "Venice."

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

Misbranding was alleged in that representations in the labeling of the Tray-Ban brand that it was superior, was guaranteed for 5 years, would be effective for the prevention of disease, and was a soldier of health; those in the labeling of the Dred-Not brand that it was a prophylactic; and those in the labeling of the Venice brand that it was effective for the prevention of disease, were false and misleading.

On March 9, 1940, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

272. Adulteration and misbranding of prophylactics. U. S. v. 64⅔ Gross of Prophylactics (and 3 other seizure actions involving prophylactics). Default decrees of condemnation and destruction. (F. D. C. Nos. 760, 1448. Samples Nos. 60949–D, 74451–D, 74452–D, 74453–D.)

On or about October 20, 1939, and February 7, 1940, the United States attorneys for the Southern District of Texas and the District of Minnesota filed libels against 64⅔ gross of prophylactics at Houston, Tex., and 41½ gross of prophylactics at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about September 9 and 26, 1939, by Tecla Chemical Corporation from New York, N. Y.; and charging that it was adulterated and misbranded. The article was labeled in part: "Saf-T-Way"; or "Rx 96 Genuine Liquid Latex."

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 of the Saf-T-Way brand that it was an air-blown-tested and safe prophylactic; and those in the labeling of the Rx 96 brand that it was a reliable, selected prophylactic, would prevent disease, and was guaranteed for 5 years were false and misleading.

On October 20, 1939, and March 19, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

273. Adulteration and misbranding of prophylactics. U. S. v. 22 Gross of Prophylactics (and 4 other seizure actions against prophylactics). Default decrees of condemnation and destruction. (F. D. C. Nos. 1224, 1250, 1297, 1475. Sample Nos. 61242–D, 61516–D, 71179–D, 71180–D, 85683–D.)

Between December 20, 1939, and February 9, 1940, the United States attorneys for the Middle District of Pennsylvania, Eastern District of Louisiana, and Northern District of Texas filed libels against 22 gross of prophylactics at Scranton, Pa.; 6¼ gross at New Orleans, La.; 49 gross at Lubbock, Tex.; and 39 gross at Dallas, Tex., alleging that the article had been shipped in interstate commerce, within the period from on or about August 24 to on or about September 21, 1939, by the Universal Merchandise Co. in various shipments from