

2680. Adulteration and misbranding of prophylactics. U. S. v. 17 Cartons

* * *. (F. D. C. No. 26435. Sample No. 48232-K.)

LIBEL FILED: January 31, 1949, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about November 24, 1948, by the National Hygienic Products Co., from Akron, Ohio.

PRODUCT: 17 cartons, each containing 48 packages of 3 *prophylactics* each at Philadelphia, Pa. Examination of samples showed that 3.8 percent were defective in that they contained holes.

LABEL, IN PART: (Package) "Texide Prophylactic * * * Manufactured By L. E. Shunk Latex Prod., Inc., Akron, Ohio."

NATURE OF CHARGE: Adulteration, section 501 (c), the quality of the article fell below that which it purported or was represented to possess.

Misbranding, Section 502 (a), the label statements "Prophylactic" and "Prophylactic * * * Tested * * * For Your Protection" were false and misleading as applied to an article containing holes.

DISPOSITION: March 7, 1949. Default decree of condemnation and destruction.

2681. Adulteration and misbranding of prophylactics. U. S. v. 110 Gross * * *.

(F. D. C. No. 26562. Sample Nos. 19812-K, 19816-K.)

LIBEL FILED: February 25, 1949, Middle District of Tennessee.

ALLEGED SHIPMENT: On or about August 8, 1948, by the Killashun Sales Division, from Akron, Ohio.

PRODUCT: 110 gross of *prophylactics* at Nashville, Tenn. Examination of samples showed that 4.2 percent were defective in that they contained holes.

LABEL, IN PART: "Texide Prophylactics Mfd. By L. E. Shunk Latex Prod., Inc., Akron, Ohio."

NATURE OF CHARGE: Adulteration, Section 501 (c), the quality of the article fell below that which it purported or was represented to possess.

Misbranding, Section 502 (a), the label statement "Prophylactic" was false and misleading as applied to an article containing holes.

DISPOSITION: April 29, 1949. Default decree of destruction.

2682. Adulteration and misbranding of prophylactics. U. S. v. 24 Gross * * *.

(F. D. C. No. 23539. Sample No. 29649-K.)

LIBEL FILED: February 16, 1949, District of Colorado.

ALLEGED SHIPMENT: On or about February 17, 1948, by the Killashun Sales Division, from Akron, Ohio.

PRODUCT: 24 gross of *prophylactics* at Denver, Colo. Examination of samples showed that 6.9 percent were defective in that they contained holes.

LABEL, IN PART: "Texide Prophylactics Mfd. By L. E. Shunk Latex Prod., Inc., Akron, Ohio."

NATURE OF CHARGE: Adulteration, Section 501 (c), the quality of the article fell below that which it purported or was represented to possess.

Misbranding, Section 502 (a), the label statement "Prophylactics" was false and misleading as applied to an article containing holes.

DISPOSITION: April 18, 1949. Default decree of condemnation and destruction.

2683. Adulteration and misbranding of prophylactics. U. S. v. 76 Gross * * *.

(F. D. C. No. 26191. Sample No. 19780-K.)

LIBEL FILED: December 2, 1948, Southern District of Indiana.

ALLEGED SHIPMENT: On or about October 21, 1948, by the Goodwear Rubber Co., from New York, N. Y.

PRODUCT: 76 gross of *prophylactics* at Indianapolis, Ind. Examination of samples showed that 4.1 percent were defective in that they contained holes.

LABEL, IN PART: "Texide Manufactured by L. E. Shunk Latex Prod., Inc., Akron, Ohio."

NATURE OF CHARGE: Adulteration, Section 501 (c), the quality of the article fell below that which it purported or was represented to possess.

Misbranding, Section 502 (a), the label statements "Prophylactic" and "Prophylactic * * * Tested * * * for your protection" were false and misleading as applied to an article containing holes.

DISPOSITION: March 8, 1949. Default decree of forfeiture and destruction.

DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS

DRUGS FOR HUMAN USE*

2684. Misbranding of Alberty's products. U. S. v. 6 Packages, etc. (F. D. C. No. 26381. Sample Nos. 27840-K to 27842-K, incl., 27845-K to 27848-K, incl., 27853-K to 27856-K, incl., 27858-K, 27860-K, 27862-K, 27863-K, 27865-K to 27867-K, incl.)

LABEL FILED: January 20, 1949, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about June 23, August 23, September 16, and October 8, 1948, by Alberty Food Products, from Hollywood, Calif.

PRODUCT: 6 packages of *Cheno Herb Tea Laxative*, 45 packages of *Cheno Combination Tablets*, 5 bottles of *Cheno Phytolacca Berry Juice Extract Tablets*, 22 bottles of *Alberty's Sabinol Homeopathic*, 7 boxes of *Alberty's Vitamin A Shark Liver Oil*, 54 bottles of *Alberty Phlowo B Tablets*, 6 bottles of *Ri-Co Tablets*, 3 cartons of *Instant Alberty Food*, 10 cartons of *Alberty's Food Regular*, 26 bottles of *Alberty's Lebara Pellets*, 27 bottles of *Alberty's Lebara No. 2 Pellets*, 3 bottles of *Alberty's Vi-C Tablets*, 3 bottles of *Recal Tablets*, 5 bottles of *Wheat Germ Oil*, 1 bottle of *R-Gon Tablets*, 7 bottles of *Alberty's Vitamin B₁ Tablets*, 7 bottles of *Alberty Vitamin B Complex Tablets*, and 3 bottles of *Alberty Riol Tablets* at St. Louis, Mo.

The products were accompanied by a number of booklets entitled "Dynamic Digests." These booklets had been shipped by the Alberty Food Products on or about July 17, 1948.

LABEL, IN PART: "Cheno Herb Tea Laxative Contains: Active Laxative ingredient Senna, combined with the following inactive ingredients: Kelp, licorice root, peppermint, fennel, anise, coriander, sassafras, ivy leaves, ononis, chick weed, black alder bark, beanshells," "Cheno Combination Tablets * * * Dehydrated Parsley, Swiss Chard, Dulce, Irish Moss, Spinach, Psyllium, Di-calcium Phosphate and Iron Phosphate," "Cheno Phytolacca Berry Juice Extract Tablets * * * Each Tablet contains the Extractives From Eight Drops of Phytolacca Berry Juice With Absorbents and Excipients," "Alberty's Sabinol Homeopathic * * * Each Pellet Contains: Berberis Vulgaris, Lycopodium, Uranium Nit, Equisetum," "Alberty's Vitamin A (High Potency) Shark Liver Oil * * * Each Perle Contains

*See also Nos. 2672, 2673, 2680-2683.