Adulteration was alleged in that the strength of the article fell below the professed standard or quality under which it was sold.

Misbranding was alleged in that the following statements appearing in the labeling were false and misleading: (X-Cello's) "For Prevention of Disease * * * the perfected latex * * * Guaranteed 5 years Sold for prevention of disease"; (Silver Tex) "For Prevention of Disease * * * Disease Preventative * * * Guaranteed 5 years. Sold for Prevention of Disease."

On October 19 and November 2, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30037. Adulteration and misbranding of prophylactics. U. S. v. 229 Dozen Rubber Prophylactics. Default decree of condemnation and destruction. (F. & D. No. 44230. Sample Nos. 10319–D, 10320–D.)

Samples of this product were found to be defective in that they contained holes.

On October 24, 1938, the United States attorney for the Western District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 700 dozen prophylactics at Charlotte, N. C.; alleging that the article had been shipped in interstate commerce in part on or about August 23, 1938, and in part on or about October 5, 1938, by the Crown Rubber Sundries Co. from Akron, Ohio; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled "Koin-Pack" or "Texide."

It was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold.

Misbranding was alleged in that the following statements in the labeling were false and misleading: (Koin-Pack) "Prophylactic * * * For Prevention of Disease"; (Texide) "Guaranteed Five Years * * * Prophylactic * * * For Prevention of Disease."

On December 3, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30038. Adulteration and misbranding of prophylactics. U. S. v. 29 Gross of Rubber Prophylactics. Default decree of condemnation and destruction. (F. & D. No. 44328. Sample No. 11964–D.)

Samples of this product were found to be defective in that they contained holes.

On November 12, 1938, the United States attorney for the District of Puerto Rico, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 29 gross of prophylactics which were offered for sale in the Territory of Puerto Rico. The libel alleged that the article had been received by Luis Garraton & Hno., S. en C., of San Juan, P. R.; and that it was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part "El Sable."

Adulteration was alleged in that the strength of the article fell below the professed standard or quality under which it was sold.

Misbranding was alleged in that the statements in the labeling, (carton) "Por su salud y para su proteccion * * * Sometidos a vapor y a la prueba de aire" (envelope) "Sometido a prueba de aire Garantizado 100 per cent perfecto * * * No tiene agujeros," were false and misleading.

On December 12, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30039. Adulteration and misbranding of prophylactics. U. S. v. 8 Gross of Rubber Prophylactics (and 1 other seizure against the same product). Default decrees of condemnation and destruction. (F. & D. Nos. 42144, 43852. Sample Nos. 5137–D, 17411–D.)

Samples of this product were found to be defective because of the presence of holes.

On April 7, 1938, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 8 gross of rubber prophylactics at Danville, Va., consigned by the Bengor Products Co.; alleging that the article had been shipped in interstate commerce on or about January 12, 1938, from New York, N. Y. On September 13, 1938, the United States attorney

for the District of Puerto Rico filed a libel against 21¼ gross of the same product at San Juan, P. R., alleging that the article had been shipped on or about June 16, 1938, by the Bengor Products Co., from New York, N. Y. The libels charged that the article was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part, "Koin-Pack" or "Tiger Skin."

It was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold.

Misbranding was alleged in that the following statements in the labeling were false and misleading and tended to deceive and mislead the purchaser: (Tiger Skin) "Guaranteed Five Years * * * They will not deteriorate with age or climate * * * Prophylactics * * * They are triple tested * * * For your health and protection * * * For the prevention of contagious diseases"; (Koin-Pack) "Prophylactic * * * For the Prevention of Disease * * * For Prevention of Disease."

On September 8 and October 17, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30040. Adulteration and misbranding of prophylactics. U. S. v. 18½ Dozen and 19 Dozen Prophylactics (and 3 other seizure actions against the same product). Default decrees of condemnation and destruction. (F. & D. Nos. 44478, 44532, 44644, 44704. Sample Nos. 31872–D, 34948–D, 35881–D, 35882–D, 35992–D.)

Samples of this product were found to be defective because of the presence of holes.

Between December 7, 1938, and January 21, 1939, the United States attorneys for the Districts of Massachusetts, Maine, Maryland, and Western Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 87½ dozen prophylactics at Boston, Mass., 228 dozen of the product at Portland, Maine, 8 dozen at Pittsburgh, Pa., and 22 dozen at Baltimore, Md.; alleging that the article had been shipped in interstate commerce within the period from on or about November 1 to on or about December 12, 1938, by Youngs Rubber Corporation, Inc., from New York, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Naturalamb Skins."

Adulteration was alleged in that the strength of the article fell below the professed standard or quality under which it was sold.

Misbranding was alleged with respect to portions of the article in that the statement "For Prevention of Disease," stamped thereon, was false and misleading.

On December 28, 1938, February 13, 14, and 23, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30041. Adulteration and misbranding of prophylactics. U. S. v. 10½ Gross of Rubber Prophylactics. Default decree of condemnation and destruction. (F. & D. No. 42065. Sample No. 17557–D.)

Samples of this product were found to be defective because of the presence of holes.

On March 26, 1938, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10½ gross of prophylactics at Edinburg, Va., consigned by Magnet Merchandise Co.; alleging that the article had been shipped on or about March 7, 1938, from New York, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part "Silver-Tex."

It was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold.

Misbranding was alleged in that the statements, "Super Fine * * * for the Prevention of Contagious Disease * * * Guaranteed Five Years * * * Prophylactic," were false and misleading and tended to deceive and mislead the purchaser.

On November 22, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*