

30042. Adulteration and misbranding of prophylactics. U. S. v. 106 Dozen Rubber Prophylactics. Default decree of condemnation and destruction. (F. & D. No. 43562. Sample Nos. 2157-D, 2158-D.)

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

On August 31, 1938, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 106 dozen rubber prophylactics at Minneapolis, Minn.; alleging that the article had been shipped in interstate commerce on or about November 27, 1936, by the General Aseptic Co. from New York, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part "Koin-Pack."

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 in the labeling were false and misleading; "Prophylactic * * * For The Prevention Of Disease * * * For Prevention of Disease."

On November 15, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

30043. Adulteration and misbranding of prophylactics. U. S. v. 7 Dozen Prophylactics. Default decree of condemnation and destruction. (F. & D. No. 43915. Sample No. 24097-D.)

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

On September 19, 1938, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 7 dozen prophylactics at Cincinnati, Ohio; alleging that the article had been shipped in interstate commerce on or about August 2, 1938, by the B & N Sales Co. from Chicago, Ill.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Pickaniny Brand."

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 in the labeling were false and misleading: "Made From the Choicest Grade of Materials Obtainable * * * and Represent the Highest Quality * * * for the Prevention of Contagious Diseases."

On November 18, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

30044. Adulteration and misbranding of prophylactics. U. S. v. 15 Gross of Rubber Prophylactics (and 10 similar seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 42264, 42265, 42266, 42396, 42913, 44117, 44259 to 44263, inclusive. Sample Nos. 10920-D, 10921-D, 10922-D, 10923-D, 10937-D, 11963-D, 11966-D, 11969-D, 11970-D, 11972-D, 11973-D, 15005-D.)

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

Between the dates of April 28 and November 3, 1938, the United States attorneys for the Western District of Kentucky, the Western District of Washington, and the District of Puerto Rico, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 59¼ gross of prophylactics at Louisville, Ky., 20 gross of the product at Seattle, Wash., 39 gross at Puerta de Tierra, P. R., 31 gross at Arecibo, P. R., 41 gross at Mayaguez, P. R., and 19 gross at Ponce, P. R.; alleging that the article had been shipped in interstate commerce within the period from on or about January 27, 1938, to on or about August 27, 1938, by the Universal Merchandise Co., in part from Chicago, Ill., in part from Los Angeles, Calif., and in part from New York, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Saf-T-Skin" or "R- 97."

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

The article was alleged to be misbranded in that the following statements appearing in the labeling were false and misleading: (Saf-T-Skin) "Prophy-

lactics * * * The Modern Prophylactics * * * The Dependable Prophylactic * * * Saf-T-Skin * * * To Prevent Disease * * * Guaranteed Five Years * * * Disease Preventative"; (Rx 97) "The Reliable Prophylactic * * * Guaranteed Five Years * * * To Prevent Disease * * * For Prevention Of Disease * * * Guaranteed 100 Percent Air Tested."

On June 7, November 17 and 19, and December 12, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

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

30045. Adulteration and misbranding of prophylactics. U. S. v. 9 Gross of Prophylactics (and 1 similar seizure action). Default decrees of condemnation and destruction. (F. & D. Nos. 44115, 44276. Sample Nos. 5139-D, 11968-D.)

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

On October 19 and November 3, 1938, the United States attorney for the District of Puerto Rico, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 9 gross of prophylactics at San Juan, P. R., and 6 gross at Aguadilla, P. R.; alleging that the article had been shipped in interstate commerce in part on or about April 30, 1938, and in part on or about August 18, 1938, by the J. Mas Co. from New York, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled "Rajah" or "Majestic."

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 appearing in the labeling were false and misleading: (Rajah) "Guaranteed 5 years disease preventative"; (Majestic) "Made from the choicest grade of materials obtainable * * * and represent the highest quality of prophylactics. * * * for the prevention of contagious diseases."

On November 17 and December 12, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

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

30046. Adulteration and misbranding of prophylactics. U. S. v. 25 Gross, 50 Gross, and 42 Gross of Prophylactics. Default decree of condemnation and destruction. (F. & D. Nos. 42430, 42431, 42432. Sample Nos. 24341-D, 24345-D, 24347-D.)

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

On May 20, 1938, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 117 gross of prophylactics at Columbus, Ohio; alleging that the article had been shipped in interstate commerce within the period from on or about February 8, 1938, to on or about March 7, 1938, by the International Distributors from Memphis, Tenn.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled variously: "Genuine Liquid Latex"; "Super Test Liquid Latex"; "Nu-Pak."

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 in the labeling were false and misleading: (Genuine Liquid Latex) "Prophylactic Guaranteed Five Years For the prevention of Disease"; (Super Test Liquid Latex) "Super test * * * Guaranteed for five years Sold for the prevention of disease"; (Nu-Pak) "Guaranteed for Five Years * * * For The Prevention of Disease."

On August 31, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

30047. Adulteration and misbranding of prophylactics. U. S. v. 2¾ Gross of Rubber Prophylactics (and 2 similar seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 44023, 44034, 44292. Sample Nos. 24974-D, 24975-D, 24976-D, 45012-D.)

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

On or about October 1, October 6, and November 7, 1938, the United States attorney for the Southern District of Florida, acting upon reports by the Secre-