

Misbranding was alleged in that the aforesaid statements on the bottle label and shipping carton were false and misleading.

On February 10, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

30389. Adulteration and misbranding of prophylactics. U. S. v. 10 Gross of Rubber Prophylactics. Default decree of condemnation and destruction. (F. & D. No. 44483. Sample No. 20571-D.)

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

On December 7, 1938, the United States attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 gross of rubber prophylactics at Tucson, Ariz.; alleging that the article had been shipped in interstate commerce on or about November 5, 1938, by Arrow Rubber Corporation from New York, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

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

The article was alleged to be misbranded in that the following statements in the labeling were false and misleading: "Most Perfect Product * * * For prevention of disease * * * Guaranteed 5 years * * * Quality * * * A real protection."

On February 20, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

30390. Misbranding of Vitalizing Blood Purifier. U. S. v. 56 Bottles of Dr. Eells' Vitalizing Blood Purifier. Default decree of condemnation and destruction. (F. & D. No. 44662. Sample No. 53321-D.)

The labeling of this product bore false and fraudulent curative or therapeutic claims and also an incorrect declaration of the amount of alcohol present.

On January 10, 1939, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 56 bottles of Dr. Eells' Vitalizing Blood Purifier at Fort Smith, Ark., consigned by Dr. F. Eells & Son Co.; alleging that the article had been shipped in interstate commerce on or about July 11, 1938, from Centerville, Iowa; and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of magnesium sulfate, extracts of plant drugs including a laxative drug, sugar, methyl salicylate, oil of sassafras, alcohol (8.85 percent by volume), and water.

The article was alleged to be misbranded in that the statements in the labeling, (carton) "Contains 15% of Alcohol" and (bottle) "Contains 15% Alcohol," were false and misleading since it contained a less amount, namely, not more than 8.85 percent of alcohol by volume. It was alleged to be misbranded further in that the package failed to bear on the label a statement of the quantity or proportion of alcohol contained in the article, since the statements made were incorrect. It was alleged to be misbranded further in that the following statements on the label regarding its curative or therapeutic effects were false and fraudulent: (Bottle and carton) "Vitalizing Blood Purifier * * * Recommended by us in the treatment of Sick Headache * * * Skin Eruptions Indigestion and disorders arising from unhealthy condition of the stomach, Liver and Bowels * * * will produce a Natural evacuation from the bowels."

On March 18, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

30391. Adulteration and misbranding of Absorbal refills. U. S. v. 19 Packages of "One Reel Refill Absorbal." Default decree of condemnation and destruction. (F. & D. No. 44828. Sample No. 34379-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found