

Perfect \* \* \* Finest Quality \* \* \* For Prevention of Disease"; (one lot) "Carefully Tested 100% Perfect \* \* \* Guaranteed Merchandise."

On February 28 and March 18, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**28715. Adulteration and misbranding of rubber prophylactics. U. S. v. 19 Gross of Rubber Prophylactics (and six other similar seizure actions). Default decrees of condemnation and destruction.** (F. & D. Nos. 41436, 41503, 41555, 41556, 41573, 41601, 41649, 41905. Sample Nos. 1085-D, 1411-D, 1412-D, 7895-D, 8022-D, 8023-D, 8570-D, 8577-D, 9601-D, 9602-D.)

An examination of these prophylactics showed that some of them were defective in that they contained holes.

On various dates between January 18 and March 8, 1938, six United States attorneys, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 450½ gross of rubber prophylactics in various lots at Chicago, Ill.; Baltimore, Md.; Philadelphia, Wilkes-Barre, and Pittsburgh, Pa.; and Newark, N. J. The libels alleged that the article had been shipped in interstate commerce on various dates between October 1, 1937, and February 25, 1938, from New York, N. Y., by the Goodwear Rubber Co.; and charged adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part variously: "Gold Ray"; "Amazons"; "Silverpac"; "Admirals"; "Xcello's"; "Skin Pak."

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 variously appearing in the labeling of the several products were false and misleading: (Gold Ray) "Disease Preventative \* \* \* Air Tested \* \* \* For Prevention of Disease \* \* \* Tested Liquid Latex \* \* \* Guaranteed 5 years," (on labeling of a portion of the Gold Ray) "The Finest Latex Prophylactic \* \* \* Tested \* \* \* Triple Tested"; (Amazons) "A Disease Preventative \* \* \* Learn to keep well \* \* \* Finest \* \* \* Prophylactic Made \* \* \* Guaranteed to be blown on special air pressure machines, triple tested \* \* \* tested \* \* \* guaranteed 5 years \* \* \* disease preventative"; (Silverpac) "Non-porous smoke tested \* \* \* Guaranteed 5 Years \* \* \* Tested Liquid Latex \* \* \* Guaranteed 5 years \* \* \* For Prevention of Disease \* \* \* Disease Preventative \* \* \* Your health demands Silverpac \* \* \* This is your seal of protection \* \* \* Tested"; (Admirals) "Prevent infection \* \* \* Blown Tested \* \* \* On Specially Designed Compressed Air Machines \* \* \* Carefully Selected \* \* \* Laboratory Tested \* \* \* Safe \* \* \* Guaranteed 5 years \* \* \* Guaranteed for 5 years \* \* \* A \* \* \* Safer Prophylactic \* \* \* Admirals are Absolutely Guaranteed \* \* \* For Prevention of Disease"; (Xcello's) "Xcello's \* \* \* The Perfected Latex \* \* \* For Prevention of Disease \* \* \* For the Prevention of Disease"; (Skin Pak) "Skin \* \* \* Guaranteed 2 years \* \* \* Safe Preventative \* \* \* For Prevention of Disease."

On various dates between February 28 and April 29, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**28716. Adulteration and misbranding of rubber prophylactics. U. S. v. 45/12 Gross of Rubber Prophylactics (and 2 other seizure actions). Default decree of condemnation and destruction.** (F. & D. Nos. 41559, 41570, 41699. Sample Nos. 1577-D, 1578-D, 10254-D, 10255-D, 13844-D, 13846-D.)

Examination of these prophylactics showed that some of them were defective in that they contained holes.

On January 31 and February 16, 1938, the United States attorneys for the Eastern District of Pennsylvania, the District of Massachusetts, and the Eastern District of South Carolina, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 54½ gross of rubber prophylactics in various lots at Philadelphia, Pa.; Boston, Mass.; and Lamar, S. C. The libels alleged that the article had been shipped in interstate commerce on or about December 16 and 31, 1937, and January 21, 1938, from New York, N. Y., by Everett Rubber Co. The respective lots of the article were labeled in part: "Gold Tex"; "Xcello's"; "Tetratex."