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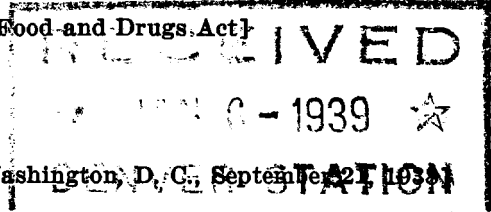
United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

28976-29000



[Approved by the Acting Secretary of Agriculture, Washington, D. C., September 21, 1938]

28976. Adulteration and misbranding of rubber prophylactics. U. S. v. 1 Gross and 1 Gross of Liquid Latex. Default decree of condemnation and destruction. (F. & D. Nos. 41652, 41653. Sample Nos. 2079-D, 2080-D.)

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

On or about February 8, 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 two gross of rubber prophylactics at St. Paul, Minn., alleging that the article had been shipped in interstate commerce on or about January 18, 1938, from New York, N. Y., by the Northeastern Latex Co., and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was labeled in part: "Pro-Medico Liquid Latex * * * For Medical Purposes Tested Guaranteed Five Years * * * Triple Air Tested"; or "3 Little Pigz Liquid Latex, * * * Finest Quality Triple Tested Prophylactic Rubbers * * * For Prevention of Disease * * * Guaranteed Five Years"

The article 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 certain statements appearing on the package were false and misleading.

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

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

28977. Misbranding of oil of sandalwood. U. S. v. 5 Pounds of Oil of Sandalwood. Default decree of condemnation and destruction. (F. & D. No. 42228. Sample No. 9181-D.)

The labeling of this product represented that it conformed to the United States Pharmacopoeial standard for sandalwood oil, whereas it fell far below such standard.

On April 29, 1938, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 5 pounds of oil of sandalwood at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about February 19, 1938, from New York, N. Y., by the Ehrmann Strauss Co., and charging misbranding in violation of the Food and Drugs Act. The article was labeled: "H. C. Ryland * * * Oil Sandalwood E. I. U. S. P."

The article was alleged to be misbranded in that the statement "Oil Sandalwood * * * U. S. P." was false and misleading since it caused the purchaser to believe that the article was sandalwood oil; whereas it did not meet the requirements of sandalwood oil named in the United States Pharmacopoeia; and in that it was an imitation of and was offered for sale under the name of another article.

On May 24, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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