

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 of the respective lots were false and misleading: (Texide) "Prophylactics * * * Guaranteed Five Years * * * Against Deterioration Under Normal Conditions * * * For the Prevention of Disease * * * Prophylactic * * * For Prevention of Disease"; (Liquid Latex) "Prophylactic * * * Guaranteed Five Years * * * For the Prevention of Disease."

On June 2, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29282. Adulteration and misbranding of rubber prophylactics. U. S. v. 9½ Gross of Rubber Prophylactics. Default decree of condemnation and destruction. (F. & D. No. 42475. Sample No. 23057-D.)

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

On May 31, 1938, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 9½ gross of rubber prophylactics at Boise, Idaho; alleging that the article had been shipped in interstate commerce on or about April 12, 1938, from Denver, Colo., by Fall & Fall; and charging adulteration and misbranding in violation of the Food and Drugs Act.

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 the following statements in the labeling were false and misleading: "Xcello's the perfected latex * * * For Prevention of Disease.

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

M. L. WILSON, *Acting Secretary of Agriculture.*

29283. Adulteration and misbranding of rubber prophylactics. U. S. v. 32 Gross of Rubber Prophylactics (and 3 similar seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 41723, 42155, 42261, 42363. Sample Nos. 7666-D, 10919-D, 17401-D, 17402-D, 17404-D, 17405-D, 19384-D.)

Samples of these prophylactics were found to be defective in that they contained holes.

On various dates between February 19 and May 11, 1938, four United States attorneys, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 220½ gross of rubber prophylactics in various lots at Troy, N. Y., Richmond, Va., Louisville, Ky., and Minneapolis, Minn.; alleging that the article had been shipped in interstate commerce on various dates between December 2, 1937, and March 18, 1938, from Atlanta, Ga., by W. H. Reed & Co.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part variously: "Texide * * * L. E. Shunk Latex Products, Inc. Akron, Ohio"; "Majestic"; "Pan"; "Golden Pheasant"; "Red Pak."

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

Misbranding was alleged in that the following statements in the labeling were false and misleading: (Texide) "Prophylactics * * * Guaranteed Five Years * * * Against Deterioration Under Normal Conditions * * * For the Prevention of Disease"; (Majestic) "For the Prevention of Contagious Diseases * * * Highest Quality of Prophylactics * * * Guaranteed Five Years * * * For Prevention of Disease"; (Pan) "Tested * * * Finest Quality * * * For Prevention of Disease * * * Guaranteed Perfect * * * Carefully tested * * * 100% Perfect * * * Guaranteed Merchandise"; (Golden Pheasant) "* * * finest prophylactics * * * for the Prevention of Disease * * * Guaranteed 5 Years"; (Red Pak) "For Prevention of Disease * * * Guaranteed For Five Years."

On various dates between April 7 and July 22, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*