

On December 30, 1938, and January 7, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

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

30034. Adulteration and misbranding of prophylactics. U. S. v. 6 Gross of Rubber Prophylactics. Default decree of condemnation and destruction. (F. & D. No. 44116. Sample No. 5140-D.)

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

On October 19, 1938, the United States attorney for the District of Puerto Rico, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 6 gross of prophylactics at San Juan, P. R.; alleging that the article was in the possession of Braulio Caballero and was being offered for sale; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Saf-T-Skin Liquid Latex * * * Gotham Rubber Co., Chicago—New York."

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

It was alleged to be misbranded in that the statements in the labeling, "Saf T Skin * * * the modern prophylactic * * * to prevent disease * * * guaranteed five years * * * Saf T Skin the dependable prophylactic * * * disease preventative," were false and misleading.

On November 7, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

30035. Adulteration and misbranding of prophylactics. U. S. v. 45 Gross, 19 Gross, and 25 Gross of Prophylactics. Default decree of condemnation and destruction. (F. & D. No. 42958. Sample Nos. 25456-D, 25457-D, 25458-D.)

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

On or about June 20, 1938, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 89 gross of prophylactics at Hartford, Conn.; alleging that the article had been shipped in interstate commerce on or about May 10, 1938, by the Mayfair Chemical Co. from New York, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled variously: "Silver-Town," "Gold Town," and "Pro-Tek."

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

It was alleged to be misbranded in that the following statements in the labeling were false and misleading: (Silver-Town) "Disease Preventative * * * Prophylactic"; (Gold Town) "For Prevention Of Disease * * * Disease Preventative * * * Prophylactic"; (Pro-Tek) "Pro-Tek Disease Preventative * * * Prophylactic."

On October 26, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

30036. Adulteration and misbranding of prophylactics. U. S. v. 9 Gross of Rubber Prophylactics (and 1 similar seizure action). Default decrees of condemnation and destruction. (F. & D. Nos. 43842, 43955. Sample Nos. 22651-D, 34088-D.)

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

On September 13 and 23, 1938, the United States attorneys for the Eastern District of Virginia and the Western District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 9 gross of prophylactics at Norfolk, Va., and 14 gross of the product at Pittsburgh, Pa.; alleging that the article had been shipped in interstate commerce by the Martin-Glassman Corporation from New York, N. Y., the former on or about August 26, 1938, and the latter on or about September 8, 1938; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled "X-Cello's" or "Silver Tex."

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 appearing in the labeling were false and misleading: (X-Cello's) "For Prevention of Disease * * * the perfected latex * * * Guaranteed 5 years Sold for prevention of disease"; (Silver Tex) "For Prevention of Disease * * * Disease Preventative * * * Guaranteed 5 years. Sold for Prevention of Disease."

On October 19 and November 2, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

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

30037. Adulteration and misbranding of prophylactics. U. S. v. 229 Dozen Rubber Prophylactics. Default decree of condemnation and destruction. (F. & D. No. 44230. Sample Nos. 10319-D, 10320-D.)

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

On October 24, 1938, the United States attorney for the Western District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 700 dozen prophylactics at Charlotte, N. C.; alleging that the article had been shipped in interstate commerce in part on or about August 23, 1938, and in part on or about October 5, 1938, by the Crown Rubber Sundries Co. from Akron, Ohio; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled "Koin-Pack" or "Texide."

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 were false and misleading: (Koin-Pack) "Prophylactic * * * For Prevention of Disease"; (Texide) "Guaranteed Five Years * * * Prophylactic * * * For Prevention of Disease."

On December 3, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

30038. Adulteration and misbranding of prophylactics. U. S. v. 29 Gross of Rubber Prophylactics. Default decree of condemnation and destruction. (F. & D. No. 44328. Sample No. 11964-D.)

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

On November 12, 1938, the United States attorney for the District of Puerto Rico, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 29 gross of prophylactics which were offered for sale in the Territory of Puerto Rico. The libel alleged that the article had been received by Luis Garraton & Hno., S. en C., of San Juan, P. R.; and that it was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part "El Sable."

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 statements in the labeling, (carton) "Por su salud y para su proteccion * * * Sometidos a vapor y a la prueba de aire" (envelope) "Sometido a prueba de aire Garantizado 100 per cent perfecto * * * No tiene agujeros," were false and misleading.

On December 12, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

30039. Adulteration and misbranding of prophylactics. U. S. v. 8 Gross of Rubber Prophylactics (and 1 other seizure against the same product). Default decrees of condemnation and destruction. (F. & D. Nos. 42144, 43852. Sample Nos. 5137-D, 17411-D.)

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

On April 7, 1938, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 8 gross of rubber prophylactics at Danville, Va., consigned by the Bengor Products Co.; alleging that the article had been shipped in interstate commerce on or about January 12, 1938, from New York, N. Y. On September 13, 1938, the United States attorney