

It was alleged to be misbranded in that the following statements in the labeling were false and misleading: (Cartons) "For Medical Purposes * * * Guaranteed Five Years * * * Triple Air Tested."

On March 6, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

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

30378. Adulteration and misbranding of prophylactics. U. S. v. 50 Gross, 9 Gross, and 6 Gross of Prophylactics. Default decrees of condemnation and destruction. (F. & D. Nos. 44783, 44784, 44785. Sample Nos. 59535-D, 59536-D, 59537-D.)

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

On February 7, 1939, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 65 gross of prophylactics at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about December 14 and 17, 1938, by Mayfair Chemical Corporation from West New York, N. J.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled variously: "Saf-T-Way"; "Silver-Town"; and "Pro-Tek."

It was alleged to be adulterated in that it was not fit for the purpose for which it was sold, namely, the prevention of disease, and its strength fell below the professed standard or quality under which it was sold.

The lot labeled "Saf-T-Way" was alleged to be misbranded in that the phrase "Saf-T-Way," borne on the label, was a false and misleading device since it represented that the article, which itself showed the purpose of its use, was a safety way for such purpose. The lot labeled "Pro-Tek" was alleged to be misbranded in that the phrase "Pro-Tek" on the label was a false and misleading device since it represented that the article, which itself showed the purpose of its use, would protect when used. The lot labeled "Silver-Town" was alleged to be misbranded in that the phrase "Silver-Town," borne on the label, was false and misleading since it had been used by the manufacturer of the product to denote an article used in the prevention of disease and when used in connection with this product represented that it was a preventive of disease; whereas it was not suitable for such purpose because it contained punctures or holes.

On March 4, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

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

30379. Misbranding of prophylactics. U. S. v. 3 Gross of Prophylactics. Default decree of condemnation and destruction. (F. & D. No. 44649. Sample No. 59543-D.)

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

On January 10, 1939, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 3 gross of prophylactics at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about July 22, 1938, by the Olympia Laboratory from Atlanta, Ga.; and charging misbranding in violation of the Food and Drugs Act.

The article was alleged to be misbranded in that the following statements in the labeling were false and misleading, (carton) "Selected Quality," (envelope) "Supreme Quality * * * The Within articles are made from the best material obtainable * * * For the Prevention of contagious diseases," (circular) "The merchandise which you will find in this package is made of the very best material," since it was not suitable for the prevention of disease because of the presence of perforations or punctures.

On January 26, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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