

period from on or about August 23 to on or about October 21, 1939, by Tecla Chemical Corporation from Newark, N. J.; and charging that it was adulterated and that a portion was also misbranded. Certain lots were labeled in part: "Made from Liquid Latex Distributed by Ace Rubber Co. [or "Balto. Rubber Co. Balto., Md." or "Gotham Rubber Co., Chicago, Ill.]" The remaining lots were labeled in part: "Saf-T-Way Prophylactics" or "Tally-Ho."

The article was alleged to be adulterated in that its quality fell below that which it purported or was represented to possess.

The product labeled "Saf-T-Way" was alleged to be misbranded in that representations in the labeling that it was a safe prophylactic and was air-blown tested were false and misleading.

Between September 26 and December 12, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

49. Adulteration and misbranding of prophylactics. U. S. v. 59 Gross of Prophylactics (and 3 other seizure actions against prophylactics). Default decrees of condemnation and destruction. (F. D. C. Nos. 292, 889, 390, 455. Sample Nos. 51905-D, 52448-D, 52449-D, 52450-D, 52463-D.)

On July 14, August 15, and August 18, 1939, the United States attorneys for the Eastern and Western Districts of Pennsylvania filed libels against 59 gross of prophylactics at Philadelphia, Pa., and 87¼ gross of prophylactics at Pittsburgh, Pa.; alleging that the article had been shipped in interstate commerce on or about July 7 and 22, 1939, by Universal Merchandise Co. from New York, N. Y.; and charging that it was adulterated and misbranded. The article was variously labeled in part: "Saf-T-Way," "Saf-T-Skin," or "Rx 95 * * * Distributed by Gotham Rubber Co., Chicago, New York."

It was alleged to be adulterated in that its quality fell below that which it purported or was represented to possess.

It was alleged to be misbranded in that representations appearing variously in the labeling that it was a safe and dependable prophylactic, was air-blown tested, was guaranteed for 5 years, would prevent disease, and was manufactured of finest quality latex rubber, were false and misleading.

On August 5 and September 8, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

50. Adulteration and misbranding of prophylactics. U. S. v. 22 Gross of Prophylactics (and 7 other seizure actions against prophylactics). Default decree of condemnation and destruction. (F. D. C. Nos. 573 to 580, incl. Sample Nos. 52674-D, 79001-D.)

On September 12, 1939, the United States attorney for the Western District of New York filed libels against 93 gross and 38½ dozen prophylactics at Niagara Falls, N. Y., consigned by Philip Newman; alleging that the article had been shipped from Akron, Ohio, on or about July 20, 1939; and charging that it was adulterated, and that with the exception of one lot, it was misbranded. The article was labeled in part variously: "Gold Town," "Majestic," "Dr. Reade's Genuine Latex Tissue," "Medallion," "Silver-Town," "Supreme Brand," "Silver Crown," or "Special Selected."

It was alleged to be adulterated in that its quality fell below that which it purported or was represented to possess.

Misbranding was alleged with respect to all goods, with the exception of the Gold Town brand, in that the labeling of the various brands bore representations that the article was made from the choicest grade of materials obtainable and represented the highest quality of prophylactics, was effective for the prevention of contagious disease, was guaranteed for 5 years, was for medical purposes, was double and triple tested, was specially selected, was an efficient prophylactic, and was extra quality and air tested, which representations were false and misleading.

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

51. Adulteration and misbranding of prophylactics. U. S. v. 22 Gross of Prophylactics. Default decree of condemnation and destruction. (F. D. C. No. 365. Sample No. 47586-D.)

On August 8, 1939, the United States attorney for the Eastern District of Virginia filed a libel against 22 gross of prophylactics at Richmond, Va.; alleging that the article had been shipped in interstate commerce on or about July 14, 1939, by Gotham Sales Co., Inc., from New York, N. Y.; and charging