

February 27, 1941, by New Aseptic Laboratories from Columbia, S. C.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that it purported to be and was represented as a drug the name of which is recognized in the United States Pharmacopoeia and its purity and quality fell below the standard set forth in that compendium since it was not sterile; whereas the pharmacopoeia defines absorbent cotton as sterilized.

The article was alleged to be misbranded in that the statements appearing on the label "Sterilized after Packaging" and "Absorbent Cotton for First Aid Hospital and Home Use" were false and misleading as applied to an article which was not sterile and therefore was not suitable for first aid, hospital, and home use.

On June 10, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

PROPHYLACTICS

540. Adulteration and misbranding of prophylactics. U. S. v. 41 Gross of Prophylactics (and 21 other seizure actions against prophylactics). Default decrees of condemnation and destruction. (F. D. C. Nos. 8322, 8333, 3353, 3367, 3369, 3386, 3387, 3388, 5605, 5755, 5771, 5798, 5799, 5813, 5843, 5881 to 5884 incl., 5894, 5908, 7080. Sample Nos. 5557-E, 5558-E, 10434-E to 10437-E, incl., 19662-E, 34740-E, 36368-E, 36369-E, 39501-E, 40674-E, 42958-E, 46750-E, 48610-E to 48621-E, incl., 50039-E, 50041-E, 51583-E, 51587-E, 51993-E, 51994-E, 62561-E, 62565-E, 74123-E, 74124-E, 74397-E, 74398-E, 74399-E.)

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

Between November 4, 1940, and March 20, 1942, the United States attorneys for the Southern District of New York, District of Columbia, Eastern District of Missouri, Western District of New York, District of Rhode Island, Western District of Pennsylvania, Northern District of Georgia, Southern District of Ohio, District of Massachusetts, Northern District of Illinois, District of Puerto Rico, and the Eastern District of Pennsylvania filed libels against 545½ gross of prophylactics at New York, N. Y.; 80¾ gross at Washington, D. C.; 114 gross at St. Louis, Mo.; 84 gross at Buffalo, N. Y.; 195 gross at Providence, R. I.; 49 gross at Pittsburgh, Pa.; 487½ gross at Atlanta, Ga.; 123½ gross at Cincinnati, Ohio; 98 gross at Boston, Mass.; 48 gross at Fall River, Mass.; 98¼ gross at Chicago, Ill.; 11 gross at San Juan, P. R., and 20 gross at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce by the Allied Latex Corporation from East Newark, N. J., within the period from on or about October 5, 1940, to on or about February 18, 1942; and charging that it was adulterated and misbranded. The article was labeled variously in part: "Prophylactic," "Smithies," "Thin-Tex," "Gems," "Liquid Latex," "Diana," "Seal-Test," "Dr. Robinson Rx 333," or "Kleenette."

The product in all lots was alleged to be adulterated in that its quality fell below that which it was represented to possess.

Portions of the product were alleged to be misbranded in that representations in the labeling that it was a prophylactic, would afford protection against disease, and was scientifically tested, were false and misleading.

Within the period from January 9, 1940, to May 1, 1942, no claimants having appeared, judgments of condemnation were entered and the product was ordered destroyed.