

Misbranding was alleged in that the following statements in the labeling were false and misleading: "Disease Preventative * * * Prophylactic * * * For Prevention of Disease."

On August 9, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

29290. Adulteration and misbranding of rubber prophylactics. U. S. v. 8 Dozen Rubber Prophylactics (and 2 similar seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 41979, 41980, 42010. Sample Nos. 775-D, 776-D, 10169-D.)

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

On or about March 22 and March 28, 1938, the United States attorney for the Southern District of Florida, acting upon reports by the Secretary of Agriculture, filed in the district court three libels praying seizure and condemnation of 24½ dozen rubber prophylactics in various lots at West Palm Beach and Clearwater, Fla.; alleging that the article had been shipped in interstate commerce on or about February 7 and 17, 1938, from Atlanta, Ga., by A. G. Vining; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Hygiene Brand" or "De Lux Silver Ray."

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 appearing on the respective labels were false and misleading: (Hygiene brand) "Disease Preventative * * * Hygiene"; (Silver Ray brand) "Guaranteed Five Years * * * Disease Preventative."

On May 4 and June 11, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

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

29291. Adulteration and misbranding of prophylactics. U. S. v. 16 Dozen Prophylactics (and nine similar seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 42164, 42191, 42202, 42206, 42207, 42223, 42257, 42258, 42302, 42341. Sample Nos. 2899-D, 12435-D, 14530-D, 17126-D, 17264-D, 18742-D, 22525-D, 25008-D, 28905-D, 29004-D.)

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

On various dates between April 11 and May 9, 1938, 10 United States attorneys, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 885¾ dozen prophylactics in various lots at Hartford, Conn., San Francisco, Calif., Charlotte, N. C., Charleston, S. C., Jacksonville, Fla., Baltimore, Md., Washington, D. C., Los Angeles, Calif., Pittsburgh, Pa., and Boston, Mass.; alleging that the article had been shipped in interstate commerce on various dates between November 6, 1937, and April 22, 1938, from New York and Long Island City, N. Y., by Julius Schmid, Inc.; 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 standard or quality under which it was sold.

Misbranding was alleged in that the following statements appearing in the labeling of one lot, "For the prevention of contagious diseases. * * * Complete security and greater ease of mind is assured by the new Non-Slip XXXX (Fourex) * * * For your protection * * * For Prevention of Disease," and the following statements appearing in the labeling of the remaining lots, "For Prevention of Disease * * * The ideal prophylactic * * * Your protection in purchasing any prophylactic is in asking for a proven and satisfactory brand by its name. * * * For Your Protection * * * for the prevention of contagious diseases," were false and misleading.

On various dates between June 28 and July 27, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

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