

tary of Agriculture, filed in the district court libels praying seizure and condemnation of 13 $\frac{3}{4}$ gross of prophylactics in various lots at Tampa, Orlando, and St. Petersburg, Fla.; alleging that the article had been shipped in interstate commerce within the period from on or about September 10 to on or about October 5, 1938, by A. G. Vining from Atlanta, Ga.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Hygiene" or "Pro-Medico."

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; (Hygiene) "Protectors * * * Guaranteed 2 years * * * For Prevention of Disease * * * Selected Airtested and Guaranteed to be free from pinholes, blisters or other imperfections"; (Pro-Medico) "For Medical Purposes * * * Tested * * * Guaranteed Five Years * * * Triple Air Tested."

On November 9, November 29, and December 17, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

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

30048. Adulteration and misbranding of prophylactics. U. S. v. 228 Prophylactics (and 4 similar seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 43652, 43653, 44323, 44324, 44403. Sample Nos. 26782-D, 26783-D, 34118-D, 34119-D, 38975-D.)

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

On September 2 and 9, and November 23, 1938, the United States attorneys for the Southern District of New York, the District of Maryland, and the Eastern District of Missouri, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 600 prophylactics at New York, N. Y., 32 dozen at Baltimore, Md., and 17 dozen prophylactics at St. Louis, Mo.; alleging that the article had been shipped in interstate commerce within the period from on or about June 17 to on or about November 4, 1938, by the Akron Drug & Sundries Co. from Akron, Ohio; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Silver-Tex Supreme Goldbeaters" or "Texide Goldbeaters."

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 in the labeling were false and misleading: (Silver-Tex Supreme Goldbeaters) "Supreme * * * Specially Selected * * * made from the choicest grade of materials obtainable * * * represent the highest quality * * * for the prevention of contagious diseases * * * for the prevention of disease * * * the perfect prophylactic"; (Texide Goldbeaters) "Guaranteed Five Years * * * made from the choicest grade of materials obtainable * * * and represent the highest quality * * * for the prevention of contagious diseases * * * for the prevention of disease."

On September 26 and December 15, 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.*

30049. Adulteration and misbranding of prophylactics. U. S. v. 14 $\frac{1}{2}$ Gross of Prophylactics (and 2 similar seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 42357, 44246, 44504. Sample Nos. 22832-D, 27132-D, 27134-D, 59247-D.)

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

On May 18, October 29, and December 14, 1938, the United States attorneys for the District of Oregon and the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 14 $\frac{1}{2}$ gross of prophylactics at Portland, Oreg., and 5 $\frac{5}{8}$ gross of the product at New York, N. Y.; alleging that the article had been shipped in interstate commerce within the period from on or about March 16, 1938, to on or about November 29, 1938, by Stowall & Co. from San Francisco, Calif.; and charging adulteration and misbranding in