

violation of the Food and Drugs Act. The article was labeled in part, "LaFrance" or "Peacocks."

Adulteration was alleged in that the strength of the article fell below the professed standard or quality under which it was sold.

The La France brand was alleged to be misbranded in that the statement "For Prevention of Disease," borne on the label, was false and misleading since the articles were not suitable for the prevention of disease because they contained perforations or punctures. The Peacocks were alleged to be misbranded in that the following statements in the labeling and similar statements in a leaflet shipped with the article were false and misleading: (Box) "Air-Tested * * * Prophylactic * * * 'Air-Blown-Tested'"; (circular) "Question Why can I (the buyer) be reasonably certain the rubber prophylactics I purchase actually give protection? * * * Peacocks are all air-blown tested and will give you * * * protection."

On September 10 and December 1, 1938, and January 25, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

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

30050. Adulteration and misbranding of prophylactics. U. S. v. 89 Gross of Prophylactics (and 5 similar seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 41550, 41551, 42121, 42122, 43322, 44166, 44167, 44274. Sample Nos. 7710-D, 7711-D, 21316-D, 21322-D, 25758-D, 27128-D, 27129-D, 37865-D, 38266-D.)

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

Between the dates of February 1 and November 3, 1938, the United States attorneys for the Southern District of New York, Northern District of Illinois, and the Southern District of Texas, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 200½ gross of prophylactics at New York, N. Y., 262 gross at Chicago, Ill., and 40 gross at Houston, Tex.; alleging that the article had been shipped in interstate commerce within the period from on or about November 19, 1937, to on or about October 1, 1938, by the Killashun Sales Division, from Akron, Ohio; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled variously: "Texide"; "Silver-Tex"; "X Cello's"; "Double Dutch"; "Genuine Latex Mfd. by L. E. Shunk Latex Prod. Inc., Akron, Ohio"; "Texide Goldbeaters"; "Silver-Tex Supreme Goldbeaters."

The article in certain lots was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold.

Misbranding of the said lots was alleged in that the following statements appearing in the labeling were false and misleading: (Double Dutch) "For prevention of disease"; (Genuine Latex) "For prevention of Disease"; (Silver-Tex) "For Prevention of Disease * * * Guaranteed 5 years"; (X Cello's) "For Prevention of Disease * * * the perfected latex * * * Guaranteed Five Years"; (portion of Texide Goldbeaters) "Guaranteed five years * * * For the Prevention of Contagious Disease"; (Texide) "Prophylactic * * * Guaranteed Five Years * * * For Prevention of Disease."

The article in two of the lots was alleged to be misbranded in that the following statements regarding their therapeutic effects were false and fraudulent since it was incapable of producing the effects claimed: (Silver-Tex Supreme Goldbeaters) "Supreme * * * Specially Selected * * * made from the choicest grade of materials obtainable * * * and represent the highest quality * * * for the prevention of contagious 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 disease."

Between June 15 and December 3, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

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