

30248. Adulteration and misbranding of prophylactics. U. S. v. 15 Gross and 7½ Gross of Prophylactics (and 1 other seizure action against the same product). Default decrees of condemnation and destruction. (F. & D. Nos. 44408, 44409, 44432. Sample Nos. 58647-D, 58648-D, 58653-D.)

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

On November 26 and 29, 1938, the United States attorney for the Western District of Kentucky, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 39½ gross of prophylactics at Louisville, Ky.; alleging that the article had been shipped in interstate commerce by Peerless Rubber Sundries from Akron, Ohio, in part on or about October 17, 1938, and in part on or about November 2, 1938; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Texide." A portion was labeled further: "L. E. Shunk Latex Products, Inc., Akron, Ohio."

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: "Guaranteed Five Years * * * Prophylactics * * * For prevention of disease."

On January 5, 1939, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

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

30249. Adulteration and misbranding of prophylactics. U. S. v. 5 Gross of Prophylactics. Default decree of condemnation and destruction. (F. & D. No. 44398. Sample No. 22177-D.)

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

On November 22, 1938, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 5 gross of prophylactics at Milwaukee, Wis.; alleging that the article had been shipped in interstate commerce on or about November 10, 1938, by the Perfection Rubber Co. from Akron, Ohio; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Safe-Tex."

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: "Safe-Tex * * * The enclosed prophylactics are an aid in preventing venereal diseases * * * For prevention of diseases."

On February 1, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

30250. Adulteration and misbranding of Cereal Lactic. U. S. v. Cereal Lactic Co., Inc., Clarence M. Porter, Leroy V. Porter, and Edward R. Hurlock. Pleas of guilty. Corporation sentenced to pay a fine of \$80. No fines imposed against the individuals. (F. & D. No. 39753. Sample Nos. 18643-C, 15120-C, 18859-C, 19905-C.)

Three of the shipments of this product were found to contain not more than 3 percent of the number of aciduric organisms declared on the label. The labeling of two of the said three shipments and that of a fourth shipment bore false and fraudulent curative and therapeutic claims.

On September 26, 1938, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Cereal Lactic Co., Inc., Woodward, Iowa, Clarence M. Porter, Leroy V. Porter, and Edward R. Hurlock, officers of said corporation, alleging shipment by said defendants in violation of the Food and Drugs Act as amended, within the period from on or about July 11, 1936, to on or about February 15, 1937, from the State of Iowa into the States of Missouri, Illinois, and Wisconsin of quantities of Cereal Lactic, of which one lot was adulterated, one lot was misbranded, and the others were adulterated and misbranded.

One shipment of the product was intended for poultry and livestock. Analysis showed that it consisted essentially of the products of corn and wheat and a small proportion of lactic acid. Examination of the remaining lots showed