2216. Adulteration and misbranding of prophylactics. U. S. v. 64 Gross * * *. (F. D. C. No. 23012. Sample No. 91426–H.)

LIBEL FILED: May 19, 1947, District of Colorado.

ALLEGED SHIPMENT: On or about September 10, 1946, by International Distributors, from Memphis, Tenn.

PRODUCT: 64 gross of *prophylactics* at Denver, Colo. Examination of samples showed that the article was defective in that it contained holes.

LABEL, IN PART: "Xcello's Prophylactics Mfd. by the Killian Mfg. Co., Akron, Ohio."

NATURE OF CHARGE: Adulteration, Section 501 (c), the quality of the article fell below that which it purported and was represented to possess.

Misbranding, Section 502 (a), the label statement "Prophylactics" was false and misleading as applied to an article containing holes.

DISPOSITION: July 15, 1947. Default decree of condemnation and destruction.

2217. Adulteration and misbranding of prophylactics. U. S. v. 32 Gross, etc (F. D. C. Nos. 22740, 23455. Sample Nos. 66607–H, 90769–H.)

LIBELS FILED: March 28 and June 23, 1947, District of Columbia and Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about March 13 and April 14, 1947, by World Merchandise Exchange, Inc., from New York, N. Y.

PRODUCT: *Prophylactics.* 23½ gross at Washington, D. C., and 32 gross at Philadelphia, Pa. Examination of samples from each lot showed that 4 percent from the Philadelphia lot and 6 percent from the Washington lot were defective in that they contained holes.

LABEL, IN PART: "Tetratex Prophylactics [or "Texide Rubber Sheaths"] Manufactured by L. E. Shunk Latex Products, Inc. Akron, Ohio."

NATURE OF CHARGE: Adulteration, Section 501 (c), the quality of the article fell below that which it purported and was represented to possess.

Misbranding, Section 502 (a), the statements "Prophylactics" and "Prophylactics Tested" borne on the label of the article in the Philadelphia lot were false and misleading as applied to an article containing holes.

DISPOSITION: July 8 and August 6, 1947. Default decrees of condemnation and destruction.

2218. Adulteration and misbranding of prophylactics. U. S. v. 50 Gross * * *. (F. D. C. No. 22861. Sample No. 61043–H.)

LIBEL FILED: April 22, 1947, Western District of New York.

ALLEGED SHIPMENT: On or about March 28, 1947, by the Schaeffer Products Co., from Cleveland, Ohio.

PRODUCT: 50 gross of *prophylactics* at Rochester, N. Y. Examination of 288 samples showed that 2.4 percent were defective in that they contained holes.

LABEL, IN PART: "La Vita Prophylactics."

NATURE OF CHARGE: Adulteration, Section 501 (c), the quality of the article fell below that which it purported and was represented to possess.

Misbranding, Section 502 (a), the label statements "Prophylactics * * * aid in the prevention of disease" were false and misleading as applied to an article containing holes.

DISPOSITION: May 26, 1947. Default decree of condemnation and destruction.

2219. Adulteration and misbranding of prophylactics. U. S. v. 37 Gross * * *. (F. D. C. No. 23006. Sample No. 76229–H.)

LIBEL FILED: May 6, 1947, Northern District of Texas.

ALLEGED SHIPMENT: Between the approximate dates of January 15 and March 13, 1947, by Frank G. Karg, Chicago, Ill.

PRODUCT: 37 gross of *prophylactics* at Dallas, Tex.

LABEL, IN PART: "Pall Mall Aquapac."

NATURE OF CHARGE: Adulteration, Section 501 (c), the quality of the article fell below that which it purported and was represented to possess.

Misbranding, Section 502 (a), the label statement "For the protection against the communication of disease" was false and misleading as applied to an article containing holes.

DISPOSITION: June 16, 1947. Default decree of condemnation and destruction.