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 statement "Prophylactics" on the label of the article in the Atlanta lot was false and misleading as applied to an article containing holes.

DISPOSITION: March 10 and May 13, 1948. Default decree of condemnation and destruction.

2415. Adulteration and misbranding of prophylactics. U. S. v. 48 Gross * * *. (F. D. C. No. 24372. Sample No. 442-K.)

LIBEL FILED: March 11, 1948, Western District of North Carolina.

ALLEGED SHIPMENT: On or about January 29, 1948, by W. H. Reed & Co., Inc., from Atlanta, Ga.

PRODUCT: 48 gross of *prophylactics* at Shelby, N. C. Examination of samples showed that 5 percent were defective in that they contained holes.

LABEL, IN PART: "P A N Tested 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 statement "Tested Prophylactics" was false and misleading as applied to an article containing holes.

DISPOSITION: May 17, 1948. W. H. Reed & Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for segregation and conversion of the unfit portion into scrap rubber, under the supervision of the Federal Security Agency. The product was found unmarketable and was converted into scrap rubber and burned.

2416. Adulteration and misbranding of clinical thermometers. U. S. v. 16 Dozen * * *. (F. D. C. No. 24375. Sample No. 32384-K.)

LIBEL FILED: March 11, 1948, Northern District of California.

ALLEGED SHIPMENT: On or about January 30, 1948, by the Philbern Thermometer Co., from New York, N. Y.

PRODUCT: 16 dozen envelopes each containing 1 *clinical thermometer* at San Francisco, Calif. Examination of 24 thermometers showed that 11 would not give accurate readings.

NATURE OF CHARGE: Adulteration, Section 501 (c), the quality of the article fell below that which it purported and was represented to possess, since it would not give accurate readings.

Misbranding, Section 502 (a), the following label statements were false and misleading as applied to an article that would not give accurate readings: "This certifies that this thermometer has been tested on this date at 96°, 100°, 104° and 106° Fahrenheit scale or its equivalent in Centigrade scale, and is correct within plus or minus 2/10 at any of these points. This test is governed by a standard thermometer which has been tested and approved by the Bureau of Standards, Washington, D. C. This thermometer is guaranteed to be of absolute accuracy." Further misbranding, Section 502 (b) (1), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor.

DISPOSITION: September 21, 1948. Default decree of condemnation and destruction.

DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS

DRUGS FOR HUMAN USE*

2417. Action to enjoin and restrain the interstate shipment of Dr. Hartman's Modified Diabetic Treatment. U. S. v. Dr. Perry Vernon Hartman, Sr. (Hartman Diabetic Hospital). Consent decree granting injunction. (Inj. No. 184.)

COMPLAINT FILED: May 26, 1948, Southern District of Illinois, against Dr. Perry Vernon Hartman, Sr., trading as Hartman Diabetic Hospital at Granville, Ill.

NATURE OF CHARGE: That the defendant had been and was causing to be introduced and delivered for introduction into interstate commerce at Spring Valley,

*See also Nos. 2401, 2403, 2404, 2407, 2410, 2412, 2414-2416.