containers identical with those which had been used by the claimant subsequent to July 1940, such repackaging to be done under the supervision of the Food and Drug Administration.

On June 19, 1942, the claimant having failed to repackage the seized goods, which amounted to 13 gross, an amended decree was entered providing for their delivery to a United States Army Post, but on July 29, 1942, the decree was again amended to provide for delivery to a Federal penal institution on condition that the cartons be destroyed.

93. Misbranding of Pepsodent Tooth Paste. U. S. v. 66½ Dozen Packages of Pepsodent Brand Tooth Paste. Consent decree of destruction. (F. D. C. No. 636. Sample No. 82412–D.)

Examination of this product showed that the tube occupied less than one-fifth, namely, 16.4 percent, of the capacity of the carton and that the carton was of sufficient size to hold two tubes.

On or about September 25, 1939, the United States attorney for the Northern District of Georgia filed a libel against 66½ dozen packages of the above-named product at Atlanta, Ga., alleging that it had been shipped in interstate commerce on or about August 1, 1939, by the Pepsodent Co. from Chicago, Ill.; and charging that it was misbranded in that its container was so made, formed, and filled as to be misleading.

On October 24, 1939, an order was entered extending the time for filing claims and defensive pleadings until November 13, 1939, and on November 14, 1939, the time was again extended until November 21, 1939. On November 21, 1939, on motion of the claimant, the Pepsodent Co., the case was ordered removed from the Northern District of Georgia to the Eastern District of Wisconsin.

On June 24, 1942, the case having been set for trial and the court having heard the statements of counsel, and the United States attorney having sought an adjournment but the court having determined that the case should proceed to trial and that the libel would be either dismissed or a decree entered in accordance with the stipulation proffered by the claimant prior to trial, and the United States attorney having opposed the dismissal of the libel, it was ordered by the court, upon the claimant's admission that the containers of the article were larger than was required for insertion of the tubes of tooth paste contained therein, but without finding that the containers were misleading within the meaning of the law, and with the consent of the counsel for the claimant, that the United States marshal destroy the product or to deliver it to any charitable institution.

94. Misbranding of shaving cream. U. S. v. 10⅔ Gross Packages of Shapleigh's Lily of the Valley Shaving Cream. Consent decree of condemnation. Product ordered released under bond to be repackaged. (F. D. C. No. 5111. Sample Nos. 57883–E to 57885–E, incl.)

The cartons in which this product was packed were 6¼ inches in length while the tubes contained therein were but 5 inches in length.

On July 8, 1941, the United States attorney for the Eastern District of Missouri filed a libel against 10⅔ gross packages of the above-named product at St. Louis, Mo., alleging that it had been shipped in interstate commerce on or about April 11, 22, and 24, 1941, by the Wm. A. Webster Co. from Memphis, Tenn.; and charging that it was misbranded in that its containers were so made or formed as to be misleading.

On November 7, 1941, the Shapleigh Hardware Co., St. Louis, Mo., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be repackaged under the supervision of the Food and Drug Administration so as to comply with the law.

95. Misbranding of Arrid. U. S. v. 119½ Dozen Jars of Arrid. Consent decree of condemnation and destruction. (F. D. C. No. 338. Sample No. 45575–E.)

This product was contained in jars which, because of the thickness of the glass and the manner in which they were formed, contained about one-third the amount indicated by their outward appearance.

On or about August 2, 1939, the United States attorney for the Northern District of Georgia filed a libel against 119½ dozen jars of Arrid at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about July 8, 1939, by the Feminine Products Co. from Jersey City, N. J.; and charging that its containers were so made, formed, and filled as to be mislead-