it was a prophylactic; and those in the labeling of the lot that bore no brand name that it was a rubber prophylactic, was of excellent quality, was guaranteed for 5 years, and was air-tested, were false and misleading.

On February 8, April 19, June 5, and August 17, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**258. Adulteration and misbranding of prophylactics. U. S. v. 100 Gross of Prophylactics (and 5 other seizure actions against prophylactics). Default decrees of condemnation and destruction.** (F. D. C. Nos. 717, 753, 1336, 1337, 1397, 1398, 1427, 1655. Sample Nos. 61248–D, 61249–D, 61363–D, 70172–D, 70173–D, 76846–D, 76847–D, 76848–D, 79501–D, 15421–E.)

Between October 13, 1939, and March 19, 1940, the United States attorneys for the Northern District of Illinois, District of Maryland, Eastern District of Louisiana, Middle District of Pennsylvania, Northern District of Alabama, and the Western District of Tennessee filed libels against 100 gross of prophylactics at Chicago, Ill.; 149 gross at Baltimore, Md.; 74 gross at New Orleans, La.; 22 gross at Harrisburg, Pa.; 21 gross at Birmingham, Ala.; and 104 gross at Memphis, Tenn., alleging that the article had been shipped in interstate commerce within the period from on or about July 20, 1939, to on or about February 27, 1940, by Gotham Sales Co. from New York, N. Y.; and charging that it was adulterated and that certain shipments were also misbranded. One lot was labeled in part: "Made from Liquid Latex Distributed by Gotham Rubber Co. Chicago, Ill." The remaining lots bore the following brands: "Rx 95," "Rx 96," "Rx 97," "Liquitex," "Saf-T-Way," "Saf-T-Skin," "Tally-Ho," or "Crescent."

The article in all shipments was alleged to be adulterated in that its quality fell below that which it purported or was represented to possess.

Misbranding of certain shipments was alleged in that representations in the labeling of the Rx 96 and Rx 97 that it was a reliable prophylactic, was guaranteed for 5 years, was air-tested, and would prevent disease; those in the labeling of the Saf-T-Way that it was a safe prophylactic and was air-tested, and those in the labeling of the Saf-T-Skin that it was a modern, dependable prophylactic, that it would prevent disease, and was manufactured of finest quality latex rubber, were false and misleading. On November 8 and 29, 1939, and February 17, March 9, April 12, and May 1, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**259. Adulteration and misbranding of prophylactics. U. S. v. 89 Gross and 18½ Gross of Prophylactics. Default decrees of condemnation and destruction.** (F. D. C. Nos. 1875, 1927. Sample Nos. 10198–E, 10200–E.)

On April 25 and May 7, 1940, the United States attorney for the District of New Jersey filed libels against 107½ gross of prophylactics at Newark, N. J., alleging that the article had been shipped in interstate commerce within the period from on or about February 29 to on or about March 6, 1940, by Joseph Jacobs from New York, N. Y.; and charging that it was adulterated and misbranded. The article was labeled in part "Pure Tex."

It was alleged to be adulterated in that its quality fell below that which it was purported or was represented as possessing.

It was alleged to be misbranded in that the representations in the labeling that it was a prophylactic, was for use in the prevention of disease, and was of an excellent quality, were false and misleading.

On June 19, 1940, no claimant having appeared, judgments of condemnation were entered and the article was ordered destroyed.

**260. Adulteration and misbranding of prophylactics. U. S. v. 612 Gross of Prophylactics (and 7 other seizure actions against prophylactics). Default decrees of condemnation and destruction.** (F. D. C. Nos. 1341, 1562, 1584, 1614, 1689, 1717, 1728, 1853. Sample Nos. 61357–D, 61701–D, 61702–D, 77746–D, 81423–D, 3112–E, 3114–E, 3138–E, 8072–E.)

Between January 15 and April 22, 1940, the United States attorneys for the Northern and Western Districts of Texas, the Eastern District of Pennsylvania, the District of Minnesota, and the Western District of Pennsylvania filed libels against 612 gross of prophylactics at Dallas, Tex.; 50 gross at Philadelphia, Pa.; 71 gross at San Antonio, Tex.; 96 gross at Minneapolis, Minn.; and 155 gross at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce within the period from on or about March 11, 1939, to on or about April 2, 1940, by Killashun Sales Division from