The article was alleged to be misbranded in that the representation in the labeling that it would be effective for the prevention of disease, was false and misleading. It was alleged to be misbranded further in that it was dangerous to health when used as recommended in the labeling.

On October 27, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

264. Adulteration and misbranding of prophylactics. U. S. v. 20 Gross and 43 Gross of Prophylactics. Default decrees of condemnation and destruction. (F. D. C. Nos. 1339, 1999. Sample Nos. 61149–D, 1967–E.)

On January 11 and May 22, 1940, the United States attorneys for the Southern District of Alabama and the Eastern District of Virginia filed libels against 20 gross of prophylactics at Mobile, Ala., and 43 gross of prophylactics at Richmond, Va., alleging that the article had been shipped in interstate commerce on or about September 1, 1939, and April 11, 1940, by the Magnet Merchandise Co. from New York, N. Y.; and charging that it was misbranded and that one lot was also adulterated. The article was labeled in part: "Silver Skin" or "Pan."

The Pan brand was alleged to be adulterated in that its quality fell below that which it purported or was represented to possess. It was alleged to be misbranded in that representations in the labeling that it was a carefully tested prophylactic of fine quality were false and misleading.

The Silver Skin brand was alleged to be misbranded in that the representation in the labeling that it was guaranteed for 5 years, which indicated that it would remain in good condition and be of good quality for 5 years, was false and misleading, since it was defective because of the presence of holes.

On June 28 and July 10, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

265. Adulteration and misbranding of prophylactics. U. S. v. 1 Gross and 2 Gross of Prophylactics. Default decree of condemnation and destruction. (F. D. C. No. 2221. Sample Nos. 1657–E, 1658–E.)

On June 17, 1940, the United States attorney for the District of Columbia filed a libel against 3 gross of prophylactics at Washington, D. C., alleging that the article had been shipped in interstate commerce on or about May 17, 1940, by the Olympia Laboratory from Atlanta, Ga.; and charging that it was adulterated and misbranded. One lot was labeled in part: "Black and Gold." The remaining lot bore no brand name.

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

Misbranding was alleged in that representations in the labeling of the Black and Gold brand that it was perfect, was efficacious for the prevention of disease, was made of selected material with all the care and skill which long experience in manufacturing can give; and those in the labeling of the lot that bore no brand name that it was made of selected material with all the care and skill which long experience in manufacturing can give, were false and misleading.

On July 11, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

266. Adulteration and misbranding of prophylactics. U. S. v. 14 Gross, 24 Gross, 19 Gross, and 9 Gross of Prophylactics. Default decrees of condemnation and destruction. (F. D. C. Nos. 1226, 1237. Sample Nos. 85681–D, 85682–D, 85686–D, 85687–D.)

On December 21 and 22, 1939, the United States attorney for the Middle District of Pennsylvania filed libels against 66 gross of prophylactics at Scranton, Pa., alleging that the article had been shipped in interstate commerce on November 9 and December 13, 1939, by Penn-Jersey Drug Co., Inc., from Newark, N. J.; and charging that it was adulterated and misbranded. The article was labeled in part: "Tuxedo," "Pro-Tek," "Hobby-Tex," or "Tally-Ho."

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

The article was alleged to be misbranded in that the representations appearing variously in the labeling that it was an improved disease preventative, was a health protector, was guaranteed against deterioration, that it was for medicinal purposes, and was guaranteed for 5 years, were false and misleading.

On February 8, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.