Co. Akron, Ohio"; "Tetratex"; "X-cello's"; "Genuine Texide"; "Silver-Tex"; "Apris"; and "Texide."

The "Genuine LES Liquid Latex" was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold. The remaining products were alleged to be adulterated in that their quality fell below that which they purported or were represented to possess.

Misbranding was alleged in that the following statements in the labeling were false and misleading: (Genuine LES Liquid Latex) "For the prevention of disease * * * prophylactic * * * Guaranteed five years"; (Pickaniny brand) "Supreme * * * Pickaniny Brand Goldbeaters are made from choice materials and represent a high quality of Goldbeaters * * * for prevention of disease"; (Diana Special) "Special Quality"; (Tetratex) "Prophylactics * * * for prevention of venereal disease"; and (Texide) "For prevention of disease"; (X-cello's, Silver-Tex, and Apris) "Prophylactic."

Between February 23, 1940, and March 14, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

415. Adulteration and misbranding of prophylactics. U. S. v. 38 Gross of Prophylactics. Default decree of condemnation and destruction. (F. D. C. No. 3332. Sample No. 10432-E.)

On November 7, 1940, the United States attorney for the Southern District of New York filed a libel against 38 gross of prophylactics at New York, N. Y., alleging that the article had been shipped on or about October 4, 1940, by the Allied Latex Corporation from East Newark, N. J.; and charging that it was adulterated and misbranded. It was labeled in part: "Smithies."

The article was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold, in that it was sold as and for a prophylactic and was not suitable for such purpose by reason of the fact that a large percentage contained perforations or punctures.

It was alleged to be misbranded in that the statement "Prophylactics" in the labeling was false and misleading.

On December 5, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

416. Adulteration and misbranding of prophylactics. U. S. v. 48 Gross and 11 Gross of Prophylactics. Default decree of condemnation and destruction. (F. D. C. Nos. 3622, 3623. Sample Nos. 10726-E, 10729-E.)

On January 6, 1941, the United States attorney for the Southern District of New York filed a libel against a total of 59 gross of prophylactics at New York, N. Y., alleging that the articles had been shipped in interstate commerce on or about November 20, 1940, by the Crown Rubber Sundries Co. from Akron, Ohio; and charging that they were adulterated and misbranded. They were labeled in part: "Latex Made from liquid rubber Water Cured"; or "Brevs."

The lot labeled "Latex" was alleged to be misbranded in that the statements, "Extra Quality 2 Year Guarantee * * * Guaranteed against deterioration for two years * * * for the prevention of contagious diseases," were false and misleading; and in that the label did not bear an accurate statement of the quantity of the contents. The lot labeled "Brevs" was alleged to be misbranded in that the statements, "Prophylactics * * * an aid for prevention of disease * * * new type prophylactic," were false and misleading since they were not suitable for the prevention of disease because they contained perforations and punctures; and because of their short length could not be depended upon to guard against disease.

On January 25, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

417. Adulteration and misbranding of prophylactics. U. S. v. 2¼ Gross of Prophylactics. Default decree of condemnation and destruction. (F. D. C. No. 1719. Sample No. 15386-E.)

On or about March 26, 1940, the United States attorney for the Southern District of Illinois filed a libel against 2¼ gross of prophylactics at Alton, Ill., alleging that the article had been shipped in interstate commerce on or about February 9, 1940, by Dean & Adelsperger from Kansas City, Mo.; and charging that it was adulterated and misbranded. The article was labeled in part: "Dean's Peacocks."

It was alleged to be adulterated in that its quality fell below that which it purported or was represented to possess since it was represented to be a prophylactic; whereas it was defective in that it contained holes.