It was alleged to be misbranded in that the statements in the labeling, "Peacocks are all air-blown tested—an aid in preventing venereal diseases * * * for your protection * * * No. 1 grade blown tested," were false and misleading.

On May 26, 1941, no claimant having appeared, judgment of condemnation was entered and the article was ordered destroyed.

418. Adulteration and misbranding of prophylactics. U. S. v. 10¼ Gross, 9¼ Gross, and 14 Gross of Prophylactics. Decrees of condemnation and destruction. (F. D. C. Nos. 3508, 3578. Sample Nos. 16578–E, 16579–E, 19323–E, 19333–E.)

On December 13 and 23, 1940, the United States attorneys for the District of Nebraska and the Western District of Pennsylvania filed libels against 19½ gross of prophylactics at Omaha, Nebr., and 14 gross at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about November 27, 1940, by the Dean Rubber Manufacturing Co. from North Kansas City, Mo.; and charging that it was adulterated and misbranded. The article was labeled in part: "Sekurity" or "Sentinel."

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 following statements apearing in the labeling were false and misleading: (Sekurity brand, envelope) "Sekurity * * * Tested and Guaranteed for 2 years * * * For Use As An Aid In Preventing Venereal Diseases," (tin) "Sekurity * * * Prophylactics Sekuritys are guaranteed air blown tested. * * * An aid in preventing venereal diseases," and (stamped on article) "Air Blown Tested Sekurity"; and (Sentinel brand, tin) "Prophylactics Every Sentinel air blown tested under new testing process Finest quality * * * Beware of social diseases, be protected," (stamped on article) "Air Blown-Tested," and (circular) "Air-Blown tested * * * carefully selected and inspected Sentinel prophylactics are individually air-tested, and secure maximum protection. Unconditionally guaranteed. 'When you Ask For Sentinel You get the Best' * * * For the Prevention of Disease."

On January 16, 1941, no claimant having appeared for the product seized at Pittsburgh, and on March 6, 1941, the claimant for the product seized at Omaha having consented to the entry of a decree, judgments of condemnation were entered and the product was ordered destroyed.

419. Misbranding of prophylactics. U. S. v. 49 Gross of Prophylactics. Default decree of condemnation and destruction. (F. D. C. No. 1668. Sample No. 1049–E.)

On March 22, 1940, the United States attorney for the Western District of Virginia filed a libel against 49 gross prophylactics at Danville, Va., which had been consigned by Gotham Sales Co., Inc., alleging that the article had been shipped in interstate commerce on or about January 10, 1940, from New York, N. Y.; and charging that it was adulterated in that its strength fell below the professed standard of quality under which it was sold. It was labeled in part: "Crescent."

On September 4, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

420. Adulteration and misbranding of prophylactics. U. S. v. 6 Gross of Prophylactics (and 7 other seizure actions against prophylactics). Default decrees of condemnation and destruction. (F. D. C. Nos. 2544, 2708, 2729, 2791, 2810, 2998, 3149, 3197. Sample Nos. 4076–E, 16158–E, 18004–E, 19217–E, 19247–E, 27449–E, 27562–E, 30906–E.)

Between August 14 and October 12, 1940, the United States attorneys for the Western District of Pennsylvania, Northern District of Illinois, Southern District of Indiana, Western District of Missouri, Northern District of Ohio, Eastern District of Michigan, and Northern District of Alabama, filed libels against 11 gross 5½ dozen prophylactics at Pittsburgh, Pa.; 9¼ gross of the product at Chicago, Ill.; 8¼ gross at Indianapolis, Ind.; 13 gross at Kansas City, Mo.; 5⅔ gross at Cleveland, Ohio; 6¼ gross at Detroit, Mich.; and 4 gross at Birmingham, Ala., alleging that the article had been shipped in interstate commerce within the period from on or about July 8 to on or about August 31, 1940, by the Eveready Trading Co. from New York, N. Y., and Newark and East Newark, N. J.; and charging that it was adulterated and misbranded. It was labeled in part: "Beacon Tips. * * * Beacon Sundries, Inc., New York City."