The article was alleged to be adulterated in that its quality fell below that which it purported and was represented to possess, since it contained holes and was not suitable for use as a prophylactic.

It was alleged to be misbranded in that the following statements in the labeling, "Notice: The enclosed sheath has been 'Water Tested' by expanding, under water pressure, to at least ten times its normal capacity—then examined closely for any detectable leak," were false and misleading, since such statements represented and suggested that the article was free from defect, whereas it was not.

On August 24, 1942, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be cut up and disposed of as scrap rubber.

881. Adulteration and misbranding of collodion. U. S. v. 1,476 Bottles, 6,000 Bottles, and 2,738 Bottles of Collodion U. S. P. Default decrees of condemnation. Portions of product ordered destroyed; remainder (2,738 bottles) ordered delivered to the Food and Drug Administration. (F. D. C. Nos. 8043, 8076, 8270. Sample Nos. 5255–F, 6202–F, 9339–F.)

On August 1, 10, and 28, 1942, the United States attorneys for the Eastern District of Missouri, the Southern District of Ohio, and the Western District of Texas filed libels against 1,476 bottles of collodion at St. Louis, Mo., 6,000 bottles of collodion at Columbus, Ohio, and 2,738 bottles of collodion at San Antonio, Tex., alleging that the article had been shipped in interstate commerce within the period from June 11 to July 18, 1942, by the Conray Products Co., Inc., from New York, N. Y.; and charging that it was adulterated and misbranded. The article was labeled in part: "Collodion U. S. P.," or "Conray 1 oz. Collodion U. S. P."

The article was alleged to be adulterated in that a mixture containing an ester such as amyl acetate had been substituted for collodion U. S. P.

It was alleged to be misbranded in that the statement "Collodion U. S. P." was false and misleading since it did not have the composition specified by the United States Pharmacopoeia for collodion.

On November 19 and December 24, 1942, no claimant having appeared, judgment of condemnation was entered and 7,476 bottles of the product were ordered destroyed. On October 23, 1942, no claimant having appeared, the court ordered that a default decree of condemnation be entered and the lot located at San Antonio, Tex., delivered to the Food and Drug Administration.

882. Adulteration of cocoa butter. U. S. v. 35 Dozen Packages of Miami Cocoa Butter. Default decree of condemnation. Product ordered rendered for use in war purposes. (F. D. C. No. 8172. Sample No. 4721–F.)

On August 20, 1942, the United States attorney for the Southern District of Ohio filed a libel against 35 dozen packages of Miami cocoa butter at Cincinnati, Ohio, which had been shipped in interstate commerce on or about August 4, 1942, alleging that the article had been shipped by Hampden Sales Association, Inc., from New York, N. Y.; and charging that it was adulterated.

Analysis of a sample showed that it contained approximately 44 percent of some material other than cocoa butter, such as paraffin or petrolatum.

The article was alleged to be adulterated in that a substance other than cocoa butter, i. e. paraffin and petrolatum, had been substituted in part for the article, and had been mixed and packed therewith so as to reduce its quality.

On November 18, 1942, no claimant having appeared, judgment of condemnation was entered and it was ordered that the cocoa butter be delivered to a rendering firm for recovering the fats and oils for war purposes.

DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS*

HUMAN USE

883. Action to restrain interstate shipment of a misbranded device known as "Magnetic Ray Appliance" and "Magnetic Ray Instrument". U. S. v. Frank B. Moran (Magnetic Ray Co.). Permanent injunction granted. (Inj. No. 19.)

This device consisted of an electric appliance which would produce a magnetic field. It was accompanied by labeling which recommended its application to various parts of the body and represented that it would be of value in the

*See also Nos. 851–856, incl., 860–868, incl., 871–881, incl.