1029. Adulteration and misbranding of vitamin B elixir. U. S. v. 33 Bottles of Hart's Vitamin B Elixir. Default decree of condemnation and destruction. (F. D. C. No. 8173. Sample No. 70908-E.)

This product contained 13.8 milligrams of nicotinic acid per fluid ounce.

On August 24, 1942, the United States attorney for the Northern District of Georgia filed a libel against 33 bottles, each containing ½ pint, of Hart's Vitamin B Elixir at Atlanta, Ga., alleging that the article had been shipped on or about June 8, 1942, from New Orleans, La., by E. J. Hart and Co., Ltd.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that its strength differed from and its quality fell below that which it was represented to possess on its label, 20 milligrams of nicotinic acid per fluid ounce.

It was alleged to be misbranded in that the label statement, "Each Fluidounce contains: * * * Nicotinic Acid 20 mg.," was false.

It was also alleged to be adulterated and misbranded under the provisions of the law applicable to foods as reported in notices of judgment on foods, No. 5775.

On May 6, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1030. Adulteration and misbranding of prophylactics. U. S. v. 8 Gross Packages of Kaps. Default decree of condemnation. Product ordered disposed of as waste rubber for war purposes. (F. D. C. No. 8106. Sample No. 16844-F.)

Samples of this product were found to be defective because of the presence of holes.

On August 12, 1942, the United States attorney for the Eastern District of New York filed a libel against 8 gross packages of Kaps at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about July 22, 1942, by Rubber Research Products Corporation from Jersey City, N. J.; and charging that it was adulterated and misbranded.

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

It was alleged to be misbranded in that the following statements appearing on the labeling were false and misleading since they represented and suggested that the article was free from defects, whereas it was not: (One dozen carton and three-unit carton) "Each one of the Kaps has been filled to at least ten times it normal capacity with water under pressure; then squeezed and kneaded in an effort to make a hole appear—even where only a weak spot may have existed before. Insist on water-tested merchandise." (Instruction sheet) "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."

On May 5, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to the Food and Drug Administration for the purpose of damaging and disposing of it as waste rubber for war purposes.

1031. Adulteration and misbranding of Red Cross prophylactics and Blue Cross chemical prophylactic units. U. S. v. 959 Packages of Red Cross Prophylactics and 3,744 Packages of Blue Cross Chemical Prophylactic Units. Default decrees ordering destruction of the products. (F. D. C. Nos. 8950, 9119. Sample Nos. 12174-F, 15716-F.)

These two products contained, among other things, a tube labeled "0.25% Silver Picrate Jelly." Analyses of the jelly showed that it contained, in the case of the Red Cross prophylactics, 0.085 percent of silver picrate, and in the case of the Blue Cross chemical units 0.052 percent of silver picrate.

On December 8, 1942, and January 2, 1943, the United States attorneys for the Western District of Washington and the District of Utah filed libels against 959 packages of Red Cross prophylactics at Seattle, Wash., and 3,744 packages of Blue Cross chemical prophylactic units at Salt Lake City, Utah, alleging that the articles had been shipped on or about October 19 and November 6, 1942, from San Diego and Los Angeles, Calif., by the Schabelitz Research Laboratories; and charging that they were adulterated and misbranded. The Red Cross prophylactics were labeled in part with a design of a red cross and the figure "101," and the prophylactic unit was labeled in part: "Chemical Prophylactic Unit For Armed Forces Only 80," together with a design of a blue cross.

The articles were alleged to be adulterated in that their strength differed from that which they purported or were represented to possess, "0.25% Silver Picrate Jelly."