

stances contained therein, to wit, "Non-alcoholic Port Hot Cordial Flavor," or "Non-alcoholic Blackberry Cordial Flavor," which were false and misleading and deceived the purchaser. Misbranding was alleged for the further reason that the article in each case was an imitation of, and was offered for sale under the distinctive name of, another article.

On December 18, 1920, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

**S939. Adulteration and misbranding of flour. U. S. \* \* \* v. 1,302 Sacks of Sir Walter Fancy Hard Wheat Patent Flour. Consent decree of condemnation and forfeiture. Product ordered released on bond.** (F. & D. No. 13972. I. S. Nos. 7612-t, 7613-t, 7614-l. S. No. E-2899.)

On November 29, 1920, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1,302 sacks of Sir Walter Fancy Hard Wheat Patent Flour, so called, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Dillsburg Grain & Milling Co., Dillsburg, Pa., and delivered for shipment to a foreign country, alleging that the article had been shipped by said company to Philadelphia, Pa., on or about October 18, 1920, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the article was alleged in the libel for the reason that water had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in part for the article. Adulteration was alleged for the further reason that the article was mixed in a manner whereby its damage and inferiority were concealed.

It was alleged in substance in the libel that the article was misbranded in that the retail packages in which the same was inclosed contained labels which bore the following statements, designs, and devices, regarding the said article and the ingredients and substances contained therein, "D. G. M. 140 lbs. Sir Walter Fancy Hard Wheat Patent Flour," which were false and misleading in that they indicated to the purchaser that the package contained, when, in fact, it did not contain, 140 pounds of the article, but contained a less amount. It was alleged that the article was further misbranded in that the same was in fact prepared from soft winter wheat, whereas the label read "Sir Walter Fancy Hard Wheat Patent Flour." It was alleged that the article was further misbranded in that it was an imitation of, and was offered for sale under the distinctive name of, another article, and further in that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On January 7, 1921, the Atlantic Seaboard Flour Mills Co., Philadelphia, Pa., claimant, having filed its answer admitting the averments of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product might be delivered to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$5,000, in conformity with section 10 of the act.

E. D. BALL, *Acting Secretary of Agriculture.*