

10988. Misbranding of flour. U. S. v. 300 Sacks, et al, of Flour. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 16689, 16743, 16744. I. S. Nos. 8066-v, 8070-v, 8071-v. S. Nos. W-1176, W-1189, W-1190.)

On July 31 and August 10, 1922, respectively, the United States attorney for the Northern District of California, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 2,112 sacks of flour, a portion of which was consigned by the Montana Flour Mills Co., in part from Great Falls, Mont., and in part from Harlowton, Mont., and the remainder of which was consigned by the F. M. Martin Grain & Mills Co., Cheney, Wash., alleging that the article had been shipped in part on July 15, 1922, and in part on or about July 29, 1922, and transported from the States of Washington and Montana, respectively, into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended. A portion of the article was labeled in part: "Montana Flour Mills Co. Sapphire Made From Selected Hard Wheat Matured Bleached 98 Lbs. Net." The remainder of the article was labeled in part: "F. M. Martin Grain & Milling Co. Martin's Best Highest Patent Flour Made From Selected Wheat Manufactured at Cheney, Washington. Net Weight 98 Lbs. When Packed. * * * Bleached."

Misbranding of the article was alleged in substance in the libels for the reason that the statement appearing in the labels of the sacks containing the said article, "98 Lbs.," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

An August 3, 11, and 15, 1922, respectively, A. S. Ferguson, San Francisco, Calif., the F. M. Martin Grain & Milling Co., Cheney, Wash., and W. F. Williams, San Francisco, Calif., having entered their appearances as claimants for the respective portions of the property and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the respective claimants upon payment of the costs of the proceedings and the execution of good and sufficient bonds, in conformity with section 10 of the act, conditioned in part that the said product be made to conform with the provisions of the said act, under the supervision of this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10989. Adulteration and misbranding of flour. U. S. v. 100 Sacks, et al, of Flour. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 16673, 16770. I. S. Nos. 8065-v, 8072-v, 8073-v. S. Nos. W-1168, W-1200, W-1201.)

On July 27 and August 24, 1922, respectively, the United States attorney for the Northern District of California, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 400 sacks of flour, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Astoria Flouring Mills Co., from Astoria, Oreg., in part July 19, and in part August 9, 1922, and transported from the State of Oregon into the State of California, and charging adulteration and misbranding with respect to a portion of the said flour and misbranding with respect to the remainder, in violation of the Food and Drugs Act, as amended. A portion of the article was labeled in part: "Airota * * * Made for Bakers Exclusively Pure Hard Wheat Flour Manufactured By Astoria Flouring Mills Co. Astoria, Oregon. Bleached Net Weight 98 Lbs. When Packed." The remainder of the said article was labeled in part: "Golden Wave Flour Manufactured by Astoria Flouring Mills Co., * * * 98 Lbs. When Packed."

Adulteration was alleged in the libels with respect to the Airota brand flour for the reason that water had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and had been substituted wholly or in part for the said article.

Misbranding was alleged in substance with respect to both brands of the article for the reason that the statement appearing on the labels of the sacks containing the said article, "98 Lbs.," was false and misleading and deceived and misled the purchaser, and for the further reason 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 August 15 and September 2, 1922, respectively, the Astoria Flouring Mills Co., claimant, having consented to the entry of decrees, judgments of con-