

12134. Misbranding of flour. U. S. v. 160 Sacks of Flour. Decree ordering release of product to be reconditioned or relabeled. (F. & D. No. 17686. I. S. No. 11838-v. S. No. W-1404.)

On August 16, 1923, the United States attorney for the District of Nevada, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 160 sacks of flour, at Reno, Nev., alleging that the article had been shipped by the Gem State Roller Mill & Elevator Co., from Ucon, Idaho, on or about July 17, 1923, and transported from the State of Idaho into the State of Nevada, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Patent Perfect Flour Bleached 98 Lbs. When Packed Gem State Roller Mill & Elevator Co. Ucon, Idaho."

Misbranding of the article was alleged in the libel for the reason that the statement, "98 Lbs.," appearing in the labeling, 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.

On August 30, 1923, the Cremer-Erickson Co., Reno, Nev., having appeared as claimant for the property, and it having appeared to the court that the Government had established the allegations of the libel, judgment was entered ordering that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that it be reconditioned or relabeled under the supervision of this department, so that it would comply with the requirements of the act.

C. F. MARVIN, *Acting Secretary of Agriculture.*

12135. Adulteration and misbranding of flour. U. S. v. 1,000 Sacks of Flour. Judgment ordering product released under bond to be used for technical purposes. (F. & D. No. 17826. I. S. No. 2223-v. S. No. E-4485.)

On September 17, 1923, the United States attorney for the Western 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 praying the seizure and condemnation of 1,000 sacks of flour, at Pittsburgh, Pa., alleging that the article had been shipped by the Hormel Mfg. Co., from Austin, Minn., on or about February 23, 1923, and transported from the State of Minnesota into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Sack) "98 Lbs. When Packed Every Sack Guaranteed Hormel's Quality Minnesota Fancy Patent Flour Hormel Milling Co. Austin, Minn."

Adulteration of the article was alleged in substance in the libel for the reason that musty flour had been substituted wholly or in part for quality fancy patent flour, which the article purported to be. Adulteration was alleged for the further reason that it consisted wholly or in part of a filthy, putrid, and decomposed vegetable substance.

Misbranding was alleged for the reason that the statement, "98 Lbs. When Packed Quality * * * Fancy Patent Flour," was false and misleading 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.

On February 16, 1924, Schomaker & Co., Pittsburgh, Pa., having appeared as claimant for the property, judgment of the court was entered ordering that the product be released to the said claimant upon the execution of a bond in the sum of \$6,400, in conformity with section 10 of the act, conditioned in part that it be used for technical purposes.

C. F. MARVIN, *Acting Secretary of Agriculture.*

12136. Misbranding of lemon extract. U. S. v. 82 Dozen Bottles of Flavoring Extract. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16780. I. S. No. 1306-v. S. No. E-4157.)

On August 26, 1922, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 82 dozen bottles of flavoring extract, remaining in the