

12566. Misbranding of flour. U. S. v. 294 Sacks of Flour. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18121. I. S. No. 4957-v. S. No. C-4209.)

On November 26, 1923, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel and on December 18, 1923, an amended libel praying the seizure and condemnation of 294 sacks of flour at Cincinnati, Ohio, consigned by H. H. King & Co., Minneapolis, Minn., September 29, 1923, alleging that the article had been shipped from Minneapolis, Minn., and transported from the State of Minnesota into the State of Ohio, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "140 Lbs. The King's Gold H. H. King & Co. Minneapolis."

Misbranding of the article was alleged in the libel for the reason that the statement appearing in the label, "140 Pounds," 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 March 7, 1924, the H. H. King Flour Mills Co., Minneapolis, Minn., having admitted the material allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court 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 \$2,000, in conformity with section 10 of the act, conditioned in part that it be reweighed and resacked.

HOWARD M. GORE, *Secretary of Agriculture.*

12567. Adulteration of oranges. U. S. v. 462 Boxes of Oranges. Consent decree of condemnation and forfeiture. Product released under bond to be salvaged. (F. & D. No. 18684. I. S. No. 4746-v. S. No. C-3018.)

On April 28, 1924, the United States attorney for the Southern District of Ohio, 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 462 boxes of oranges, remaining in the original unbroken packages at Cincinnati, Ohio, consigned on or about April 16, 1924, alleging that the article had been shipped by the California Fruit Growers Exchange, Lindsay, Calif., and transported from the State of California into the State of Ohio, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Valencias * * * Blue Ridge Brand Grown and Packed by Lindsay Co-operative Citrus Assn Lindsay * * * California."

Adulteration of the article was alleged in the libel for the reason that it consisted of a decomposed vegetable substance.

On April 29, 1924, The California Fruit Growers Exchange, claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered and it was ordered by the court 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 \$3,000, in conformity with section 10 of the act, conditioned in part that it be sorted under the supervision of this department, the bad portion destroyed and the good portion released.

HOWARD M. GORE, *Secretary of Agriculture.*

12568. Adulteration and misbranding of chocolate-covered pineapples. U. S. v. 16 Boxes of Chocolate-Covered Pineapples. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17649. I. S. No. 637-v. S. No. E-4432.)

On or about July 18, 1923, the United States attorney for the District of New Jersey, 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 16 boxes of chocolate-covered pineapples at Jersey City, N. J., alleging that the article had been shipped by the Sphinx Chocolate Corp., Brooklyn, N. Y., on or about June 8, 1923, and transported from the State of New York into the State of New Jersey, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "240 Decorated Pineapples 240 Sphinx Chocolates Light Manufactured By Sphinx Chocolate Corporation, Brooklyn, N. Y."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, pineapple cores, covered with chocolate dyed with coal-tar color, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in whole or in part for the said article. Adulteration was alleged for the further reason that the article was colored in a manner whereby damage or inferiority was concealed.

Misbranding of the article was alleged for the reason that the package containing the article bore the following statements, "Pineapple * * * Light * * * Chocolates * * * Sphinx Chocolate Corporation," which were false and misleading and deceived and misled the purchaser.

On March 28, 1924, 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.

HOWARD M. GORE, *Secretary of Agriculture.*

12569. Adulteration and misbranding of mixed oats. U. S. v. 250 Sacks and 300 Sacks of Mixed Oats. Consent decrees providing for release of product under bond to be reconditioned and relabeled. (F. & D. Nos. 18645, 18663. I. S. Nos. 18069-v, 18096-v. S. Nos. E-3923, E-3926.)

On May 12, 1924, the United States attorney for the Eastern District of South Carolina, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 550 sacks of mixed oats remaining in the original unbroken packages at Bennettsville, S. C., alleging that the article had been shipped by Embry E. Anderson from Memphis, Tenn., in part April 23, 1924, and in part May 2, 1924, and transported from the State of Tennessee into the State of South Carolina, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Daisy Mixed Oats Other Grains Recleaned Bleached," the words "Daisy Mixed Oats" being in large letters and the words "Other Grains" being in comparatively small type and inconspicuously placed.

Adulteration of the article was alleged in the libels for the reason that screenings, added moisture, and salt had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and strength and had been substituted wholly or in part for said article.

Misbranding was alleged for the reason that the designation "Daisy Mixed Oats Recleaned" was false and misleading and deceived and misled the purchaser in that the statement "Other Grains" did not correct the misleading impression conveyed. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On June 12, 1924, Embry E. Anderson having appeared as claimant for the property, judgments of the court were entered, ordering that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$725, in conformity with section 10 of the act, conditioned in part that the moisture content of the product be reduced to 13 per cent and that the said sacks be relabeled.

HOWARD M. GORE, *Secretary of Agriculture.*

12570. Adulteration of canned blueberries. U. S. v. 840 Cases of Canned Blueberries. Tried to the court without a jury. Judgment for the Government. Decree of condemnation and forfeiture entered, permitting product to be released under bond to be salvaged. (F. & D. No. 18562. I. S. No. 4287-v. S. No. C-4321.)

On April 17, 1924, the United States attorney for the Northern District of Illinois, 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 840 cases of blueberries at Chicago, Ill., alleging that the article had been shipped by A. L. Stewart & Sons from Cherryfield, Me., September 21, 1923, and transported from the State of Maine into the State of Illinois, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On June 27, 1924, A. L. Stewart & Sons, Cherryfield, Me., having appeared as claimant for the property and a jury having been waived, the case came on for trial before the court. After the submission of evidence and arguments by counsel, a judgment for the Government was entered, condemning and for-