

16233. Misbranding of flour. U. S. v. 480 Six-Pound Sacks, et al., of Flour. Decree of forfeiture entered. Product released under bond. (F. & D. No. 23337. I. S. Nos. 05683, 05684. S. No. 1472.)

On January 19, 1929, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 480 six-pound sacks and 704 twelve-pound sacks of flour, remaining in the original unbroken packages at Savannah, Ga., alleging that the article had been shipped by the Dixie Portland Flour Co., from Charleston, S. C., on or about January 1, 1929, and transported from the State of South Carolina into the State of Georgia, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Sacks) "Dixie Portland Flour Mills U. S. A. Pure Soft Western Wheat Flour Self Rising Flour 6 Lbs. When Packed," or "Wild Rose Brand Dixie Portland Flour Mills U. S. A. Pure Soft Western Wheat Flour Self Rising 12 lbs. when packed."

It was alleged in the libel that the article was misbranded in that the statements on the labels, "6 Lbs. When Packed" and "12 Lbs. When Packed," were false and misleading and deceived and misled the purchaser, and for the further reason that the article was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the packages, since the quantities stated were not correct.

On January 25, 1929, the Dixie Portland Flour Co., Charleston, S. C., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be relabeled, resacked, and rebranded so as to comply with the Federal food and drugs act.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

16234. Misbranding of tomato paste. U. S. v. 42 Cases of Tomato Paste. Product relabeled and released. (F. & D. No. 22805. I. S. No. 24006-x. S. No. 840.)

On June 4, 1928, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 42 cases of tomato paste, remaining in the original unbroken packages at Buffalo, N. Y., alleging that the article had been shipped, on or about November 30, 1927, from Arlington, Calif., and transported from the State of California into the State of New York, and charging misbranding in violation of the food and drugs act.

Analysis of a sample of the article by this department showed that it had been colored with cochineal.

The article was labeled in part: "Naples Style Tomato Paste with Sweet Basilico Giardiniera Brand * * * Salsa Di Pomodoro. Packed by La Sierra Heights Canning Co., Arlington, Cal."

It was alleged in the libel that the article was misbranded in that the statement "Salsa Di Pomodoro Tomato Paste" was false and misleading and deceived and misled the purchaser.

On September 19, 1928, the products having been theretofore released under bond to the claimant, the Progressive Italian Importing Co., Brooklyn, N. Y., and having been relabeled by order of the court, under the direction of this department, final order releasing the product to the claimant was entered.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

16235. Adulteration of Brazil nuts. U. S. v. 41 Sacks of Brazil Nuts. Consent decree of release under bond entered. (F. & D. Nos. 23259, 23260, 23261, 23262. I. S. No. 01410. S. No. 1370.)

On December 19, 1928, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 41 sacks of Brazil nuts, remaining in the original unbroken sacks at St. Louis, Mo., alleging that the article had been shipped by James W. McGlone (Inc.), New York, N. Y., on or about October 3, 1928, and transported from the State of New York into the State of Missouri, and charging adulteration in violation of the food and drugs act.

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

On February 15, 1929, James W. McGlone (Inc.), New York, N. Y., having appeared as claimant for the property and having tendered bond in the sum of \$1,500, conditioned as provided by law, a decree was entered approving said bond and ordering that the product be delivered to the claimant upon payment of costs.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

16236. Adulteration and misbranding of jellies. U. S. v. 150 Pails of Jelly, et al. Portion of products adjudged adulterated and misbranded; remainder adjudged adulterated. Consent decrees of condemnation and forfeiture. Products released under bond. (F. & D. Nos. 23267, 23292. I. S. Nos. 01768, 01769, 05351, 05352, 05353. S. Nos. 1353, 1405.)

On December 20 and December 28, 1928, respectively, the United States attorney for the Southern District of Ohio, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 246 pails of jelly, remaining in the original unbroken packages at Dayton, Ohio, alleging that the articles had been shipped by the C. Von Allmen Preserving Co., from Louisville, Ky., in part November 12, 1928, and in part November 23, 1928, and transported from the State of Kentucky into the State of Ohio, and charging adulteration and misbranding in violation of the food and drugs act. The articles were labeled in part: "Von Allmen's Pure Extra Quality Grape (or "Raspberry" or "Currant" or "Blackberry") Jelly, Manufactured by The C. Von Allmen Preserving Company, Louisville, Ky."

Adulteration was alleged in the libels with respect to the grape, currant, and a portion of the raspberry jellies for the reason that a substance deficient in fruit and containing sugar, pectin, and tartaric acid had been substituted in part for the articles and had been mixed and packed therewith so as to reduce and lower their quality. Adulteration was alleged with respect to the blackberry jelly and a portion of the raspberry jelly for the reason that a substance deficient in fruit and containing added acid and pectin had been substituted in part for the articles and had been mixed and packed therewith so as to reduce and lower their quality and strength.

Misbranding of the articles was alleged for the reason that the statements, "Raspberry Jelly," "Currant Jelly," "Grape Jelly," and "Blackberry Jelly," borne on the labels, were false and misleading and deceived and misled purchasers when applied to products containing added acid and pectin and which were deficient in fruit juice. Misbranding was alleged for the further reason that the articles were offered for sale under the distinctive names of other articles.

On February 9, 1929, the C. Von Allmen Preserving Co., Louisville, Ky., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments were entered finding the grape jelly, currant jelly, and a portion of the raspberry jelly adulterated and misbranded, and the blackberry jelly and a portion of the raspberry jelly adulterated. Decrees of condemnation and forfeiture were entered, and it was ordered by the court that the products be released to the said claimant upon payment of costs and the execution of bonds totaling \$1,000, conditioned in part that they be relabeled under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

16237. Adulteration and misbranding of canned tomatoes. U. S. v. 999 Cases of Canned Tomatoes. Decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 23233. I. S. No. 02423. S. No. 1336.)

On December 8, 1928, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 999 cases of canned tomatoes, remaining in the original unbroken packages at Boston, Mass., consigned about October 1, 1928, alleging that the article had been shipped by the Frankford Canning Co., Frankford, Del., and transported from the State of Delaware into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Delaware Brand Tomatoes (cut of red ripe tomato) * * * Packed by Frankford Canning Co., Frankford, Del."

It was alleged in the libel that the article was adulterated in that a substance, puree, pulp, or juice from skins and cores, had been substituted wholly or in part for the article, and had been mixed and packed with it so as to reduce, lower, or injuriously affect its quality or strength.