

On July 21, 1931, Austin, Nichols & Co. (Inc.), New York, N. Y., claimant, having admitted the allegations of the libel and having 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 costs and the execution of a bond in the sum of \$2,500, conditioned in part that it be relabeled under the supervision of this department, and that it be disposed of only in compliance with the law, State and Federal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18862. Adulteration and misbranding of flour. U. S. v. 83 Bags, et al., of Flour. Default decrees of condemnation and destruction. (F. & D. Nos. 26420, 26421, 26442. I. S. Nos. 26484, 26481, 26488. S. Nos. 4694, 4698, 4708.)

Examination of samples of flour from the shipments herein described having shown that portions of the article contained a large amount of rye flour and that the remainder contained added phosphate, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Kentucky.

On May 20 and May 21, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 296 bags or sacks of flour, remaining in the original packages in various lots at Rockholds, Whitesburg, and Corbin, Ky., respectively, consigned by the Gwinn Milling Co., Columbus, Ohio, between the dates of March 28, 1931 and April 13, 1931, alleging that the article had been shipped from Columbus, Ohio, and had been transported from the State of Ohio into the State of Kentucky, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part, variously: "Phosphated, Bleached * * * Superlative Silver Leaf Flour, Manufactured by The Gwinn Milling Co., Columbus, Ohio;" "Gwinn's Wizard Flour, The Gwinn Milling Company, Columbus, Ohio. Bleached;" "Phosphated Bleached * * * The Yellow Front Stores Golden Dawn * * * Family Flour The Yellow Front Stores, Whitesburg, Ky. Distributors."

Adulteration was alleged in the libels filed with respect to the Silver Leaf and Golden Dawn brands, for the reason that rye flour had been mixed and packed therewith so as to injuriously affect its quality, and had been substituted partly for the said article; and for the further reason that the article was mixed in a manner whereby inferiority was concealed. Adulteration was alleged with respect to the Wizard brand flour for the reason that a substance, flour containing added phosphate, had been substituted in whole or in part for the article.

Misbranding was alleged with respect to all lots of the article for the reason that the statement "Flour," borne on the labels, was false and misleading and deceived and misled the purchaser; and for the further reason that the article was offered for sale under the distinctive name of another article.

On October 20, 1931, no claimant having appeared for the property, judgments of condemnation were entered and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18863. Misbranding and alleged adulteration of canned grapefruit juice. U. S. v. 100 Cases, et al., of Canned Grapefruit Juice. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26813. I. S. Nos. 22304, 22305. S. No. 4974.)

Samples of canned grapefruit juice from the shipment herein described having been found to contain added sugar, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Washington.

On or about July 29, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 200 cases of canned grapefruit juice, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Florida Citrus Exchange, Tampa, Fla., on or about June 2, 1931, and had been transported from the State of Florida into the State of Washington, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Sealdsweet Brand Fancy Floridas Pure Finest Grapefruit Juice * * * Packed and Sold by the Florida Citrus Exchange, Tampa, Florida."

It was alleged in the libel that the article was adulterated in that an added undeclared substance, to wit, sugar, had been substituted in part for the said article.

Misbranding was alleged for the reason that the statement on the label, "Pure * * * Grapefruit Juice," was false and misleading and deceived and misled the purchaser when applied to an article containing added undeclared sugar. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On October 10, 1931, the Florida Citrus Exchange, Tampa, Fla., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered finding the product misbranded and ordering its condemnation and forfeiture, and it was further 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 \$100, or the deposit of cash collateral in like amount, conditioned in part that it should not be sold or otherwise disposed of contrary to the Federal food and drugs act, or the laws of any State, Territory, district, or insular possession, and that it be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18864. Adulteration and misbranding of butter. U. S. v. Paul A. Schulze Co. Plea of guilty. Fine, \$125 and costs. (F. & D. No. 25703. I. S. Nos. 027654, 027663, 027665, 027697, 028001.)

Examination of samples of butter from the shipments herein described showed that portions of the article were short of the declared weight, and that portions contained less than 80 per cent by weight of milk fat, the standard prescribed by Congress.

On May 18, 1931, 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 the district aforesaid an information against the Paul A. Schulze Co., a corporation, St. Louis, Mo., alleging shipment by said company, in violation of the food and drugs act, from the State of Missouri into the State of New York, on or about March 5, March 12, and March 17, 1930, of quantities of butter which was adulterated, and on or about March 17 and March 24, 1930, of quantities of butter which was misbranded. A portion of the article was labeled in part: (Carton) "Clover Springs Creamery Butter One Pound Net * * * Paul A. Schulze Company, St. Louis, Missouri." The remainder of the said article was labeled in part: (Carton) "Blue Ribbon Brand Creamery Butter * * * One Pound Net * * * David W. Lewis & Company, New York."

It was alleged in the information that portions of both brands of butter were adulterated in that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923, which the article purported to be.

Misbranding was alleged with respect to the remaining portions involving both brands of butter for the reason that the statement, to wit, "One Pound Net," borne on the packages containing the article, was false and misleading in that the said statement represented that each of the packages contained 1 pound net of butter; and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said packages contained 1 pound net of butter; whereas the packages in the said portion did not contain 1 pound net of butter, but did contain a less amount.

On October 7, 1931, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$125 and costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18865. Adulteration and misbranding of canned frozen egg yolks. U. S. v. 39 Cans of Frozen Eggs. Product ordered released under bond to be relabeled. (F. & D. No. 26206. I. S. No. 28338. S. No. 4529.)

Samples of canned frozen egg yolks from the shipment herein described having been found to contain undeclared added sugar, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Pennsylvania.

On April 9, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and con-