

20183. Adulteration of caraway seed. U.S. v. 1½ Bags of Caraway Seed. Decree of condemnation and destruction. (F. & D. no. 28734. Sample no. 8934-A.)

This action involved the interstate shipment of a quantity of caraway seed which was found to contain rodent excreta.

On August 22, 1932, 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 the district aforesaid a libel praying seizure and condemnation of one and one half bags of caraway seed, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped on or about July 30, 1932, by Habicht Braun Co., from New York City, N.Y., to Pittsburgh, Pa., 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 wholly or in part of a filthy vegetable substance.

On December 19, 1932, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20184. Adulteration and misbranding of rye flour. U.S. v. 294 Sacks of Flour. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 28878. Sample no. 10880-A.)

This action involved the shipment of a quantity of rye flour which had been bleached and which was not properly labeled to indicate that it was bleached flour.

On September 14, 1932, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 294 sacks of flour at New York, N.Y., alleging that the article had been shipped in interstate commerce, on or about August 13, 1932, by the Christian Mills, Inc., from Hastings, Minn., to New York, N.Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Christian's Pure White Rye Flour Christian Mills * * * Minneapolis, Minn."

It was alleged in the libel that the article was adulterated in that a substance, artificially bleached rye flour, had been substituted for white rye flour.

Misbranding was alleged for the reason that the statement on the label, "Pure White Rye Flour", was false and misleading and deceived and misled purchasers, when applied to an artificially bleached flour. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

A claim was interposed for the property through J. A. Lenhardt, Inc., agent for claimant, who admitted the allegations of the libel and consented to the entry of a decree. On September 28, 1932, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be conspicuously labeled, "Bleached with Chlorine", and should not be disposed of except in compliance with the law, State and Federal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20185. Adulteration and misbranding of shelled peanuts. U.S. v. 275 Bags of Shelled Peanuts. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 28824. Sample no. 15226-A.)

This action involved a quantity of shelled peanuts which were found to be in part insect infested and worm eaten; no declaration of quantity of contents appeared on the label.

On August 29, 1932, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 275 bags of shelled peanuts, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped in interstate commerce, on or about June 25, 1932, by the Planters Nut & Chocolate Co., from Suffolk, Va., to Seattle, Wash., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy or putrid vegetable substance.

Misbranding was alleged for the reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 12, 1932, the Pacific Food Products Co., Seattle, Wash., 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 to be reconditioned under the supervision of this Department, upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it should not be sold or otherwise disposed of contrary to the provisions of the Federal Food and Drugs Act, and all other laws. In supervising the reconditioning of the product, this Department required the separation and destruction of the wormy and insect-infested nuts.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20186. Adulteration of canned salmon. U.S. v. Superior Packing Co. Plea of guilty. Fine, \$50 and costs. (F. & D. no. 27552. I. S. no. 22330.)

This action was based on the shipment of a quantity of canned salmon, samples of which were found to be decomposed.

On March 29, 1932, the United States attorney for the Western District of Washington, 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 Superior Packing Co., a corporation, Seattle, Wash., alleging shipment by said company, in violation of the Food and Drugs Act, on or about July 28, 1931, from the Territory of Alaska into the State of Washington, of a quantity of canned salmon that was adulterated. The article was labeled in part: (Cases) "Alaska Brand Salmon * * * Eat-More Salmon."

It was alleged in the information that the article was adulterated in that it consisted in whole and in part of a filthy and decomposed and putrid animal substance.

On October 13, 1932, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$50 and costs.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20187. Adulteration and misbranding of butter. U.S. v. 90 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 29061. Sample no. 16685-A.)

This action involved the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard prescribed by Congress.

On September 23, 1932, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 90 cases of butter, remaining in the original unbroken packages at Jacksonville, Fla., alleging that the article had been shipped in interstate commerce on or about September 12, 1932, by Jefferson Creamery, from Ashburn, Ga., to Jacksonville, Fla., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Land O'Sunshine Butter, * * * Jefferson Creamery, Ashburn, Georgia."

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength, and had been substituted wholly or in part for butter, a product which should contain not less than 80 percent by weight of milk fat as required by act of March 4, 1923.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article. Misbranding was alleged for the further reason that the statement "Butter", appearing on the label, was false and misleading and deceived and misled the purchaser, since the product contained less than 80 percent by weight of milk fat.

On September 29, 1932, the Jefferson Creamery, Ashburn, Ga., claimant, having admitted the allegations of the libel and having consented to the entry