

November 8, 1932, the eight libels having been consolidated into one cause of action, judgment of condemnation and forfeiture was entered. The court, having found that a portion of the cans might contain salmon which was wholesome and fit for human consumption, ordered that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$5,000, conditioned that the product should not be sold or disposed of contrary to the provisions of the Federal Food and Drugs Act and all other laws, and further conditioned that the claimant separate the cans containing good salmon from cans which contained decomposed salmon, and that the decomposed portion be destroyed in the process of separation.

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

20302. Adulteration and misbranding of rye flour. U.S. v. 93 Sacks of Rye Flour, et al. Consent decrees of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. nos. 28940, 28942. Sample nos. 10890-A, 10892-A.)

These actions involved the interstate shipment of quantities of a product sold as rye flour, which was found to be an artificially bleached rye flour, containing benzoyl peroxide or its residue, benzoic acid.

On September 22 and September 23, 1932, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 436 sacks of rye flour at New York, N.Y., alleging that the article had been shipped in interstate commerce, by the Wisconsin Milling Co., from Menomonie, Wis., in part on or about August 19, 1932, and in part on or about September 2, 1932, and had been transported from the State of Wisconsin into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act. A portion of the article was labeled: (Sack) "Rye Flour * * * Pride of Wisconsin, High Grade, Guaranteed Pure Patent White Rye, Wisconsin Milling Co., Menomonie, Wis." The remainder was labeled: (Sack) "Riverdale White Patent Rye Flour Golden Grain Products Co., New York, N.Y., Distributors."

Adulteration was alleged in the libel filed with respect to a portion of the article for the reason that artificially bleached rye flour had been substituted for white rye flour. Adulteration was alleged with respect to the remainder of the article for the reason that artificially bleached rye flour containing benzoyl peroxide or its residue, benzoic acid, had been substituted for rye flour.

Misbranding was alleged with respect to both lots of the product for the reason that the statements on the sacks, "Pure Patent White Rye" and "White Patent Rye Flour", were false and misleading and deceived and misled the purchaser, 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.

David Coleman, New York, N.Y., interposed a claim for the property as agent for the Wisconsin Milling Co., Menomonie, Wis., admitted the allegations of the libels, and consented to the entry of decrees. On October 6, 1932, judgments of condemnation and forfeiture were 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 bonds in the total sum of \$1,300, conditioned in part that it be relabeled, under the supervision of this Department, by stenciling the words "Bleached with Benzoyl Peroxide" on the sacks.

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

20303. Misbranding of canned tomatoes. U.S. v. 60 Cases of Canned Tomatoes. Decree of condemnation. Product released under bond to be relabeled. (F. & D. nos. 28612, 28613. Sample no. 7181-A.)

This action involved the shipment of a quantity of canned tomatoes which contained excessive peel and which were not labeled to indicate that they were substandard. It was represented on the label that the article was packed in Miami, Fla., whereas it was packed in Crystal Springs, Miss.

On August 9, 1932, the United States attorney for the Western District of Louisiana, 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 60 cases of canned tomatoes at Lafayette, La. It was alleged in the libel that the article had been shipped in interstate commerce on or about July 20, 1932, by Uddo-Taormina Corporation, from Crystal Springs, Miss., to Plaquemine, La., that it had been re-consigned to Lafayette,

La., and that it was misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part: (Can) "Orla Brand Standard Pack Tomatoes * * * Packed in Miami, Fla."

Misbranding was alleged in the libel for the reason that the statements on the label, "Standard Pack * * * Packed in Miami, Fla.", were false and misleading and deceived and misled the purchaser, since the goods were packed in Crystal Springs, Miss. Misbranding was alleged for the further reason that the article was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, since it contained excessive peel, and the package or label did not bear a plain and conspicuous statement prescribed by the Secretary, indicating that it fell below such standard.

On October 3, 1932, the Uddo-Taormina Corporation, organized under the laws of the State of Delaware, having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation 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 \$250, conditioned that it be relabeled under the supervision of this Department, and further conditioned that it should not be sold or disposed of until inspected and found to be in compliance with the Federal Food and Drugs Act.

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

20304. Adulteration of crab meat. U.S. v. 50 Cans of Crab Meat. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 28868. Sample no. 22311-A.)

This action involved the interstate shipment of a quantity of crab meat which was found to contain filth.

On September 3, 1932, the United States attorney for the Eastern 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 50 cans of crab meat, remaining in the original unbroken packages at Jenkintown, Pa., alleging that the article had been shipped on or about August 31, 1932, by P. K. Hunt & Son, from Hampton, Va., from Fort Monroe, Va., to Jenkintown, 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 in whole or in part of a filthy animal substance.

On October 24, 1932, 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.

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

20305. Misbranding of canned black-eyed peas and canned chili beans. U.S. v. 6¾ Cases of Canned Black-Eyed Peas, et al. Default decrees of condemnation, forfeiture, and sale. (F. & D. nos. 28721, 28722. Sample nos. 2423-A, 2424-A.)

These cases involved shipments of a quantity of canned black-eyed peas and a quantity of canned chili beans, both of which products were found to be short weight.

On August 20, 1932 and August 22, 1932, the United States attorney for the District of New Mexico, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 6¾ cases of canned black-eyed peas and 217 cans of chili beans, remaining in the original packages at Roswell, N.Mex., alleging that the articles had been shipped in interstate commerce in various shipments on or about November 25, 1931, May 12, 1932, and June 1, 1932, respectively, by J. M. Radford Grocery Co., from Abilene, Tex., to Roswell, N.Mex., and charging misbranding in violation of the Food and Drugs Act as amended. The articles were labeled in part: (Can) "Woman's Club Blackeyed Peas [or "Chili Beans"] Net Contents 1 Lb. * *, * Universal Mfg. Co., Abilene, Texas."

It was alleged in the libels that the articles were misbranded in that the statement on the labels, "Net Contents 1 Lb.", was false and misleading and deceived and misled the purchaser, since the cans were short weight. Misbranding was alleged for the further reason that the products were food in package form and the quantity of the contents was not plainly and con-