

20343. Adulteration of cauliflower. U.S. v. 190 Crates of Cauliflower. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29155. Sample no. 20385-A.)

This action involved a shipment of cauliflower that was found to bear arsenic in an amount which might have rendered the article injurious to health.

On October 7, 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 190 crates of cauliflower, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce, on or about September 27, 1932, by Bourk-Donaldson-Taylor, Inc., from Denver, Colo., to Philadelphia, Pa., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "B-D-T-Inc. from Bourk-Donaldson-Taylor, Inc., Denver, Colorado."

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or deleterious ingredient, arsenic.

On October 28, 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.*

20344. Adulteration and misbranding of vinegar. U.S. v. 20 Barrels of Vinegar. Decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 28832. Sample no. 17009-A.)

This action involved a product represented to be cider vinegar, which was found to be a mixture of evaporated apple products, vinegar and distilled vinegar.

On August 30, 1932, the United States attorney for the Western District of Kentucky, 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 20 barrels of vinegar, remaining in the original packages at Hopkinsville, Ky., alleging that the article had been shipped in interstate commerce, on or about August 7, 1932, by the Speas Manufacturing Co., from Memphis, Tenn., to Hopkinsville, Ky., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "40 Grain Extra Fancy Table and Pickling Vinegar Old Time Pure Apple Cider Vinegar Manufactured by Speas Mfg. Co., Memphis, Tenn."

It was alleged in the libel that the article was adulterated in that a mixture of evaporated apple products, vinegar and distilled vinegar, had been substituted for the article.

Misbranding was alleged for the reason that the statements on the label, "Vinegar, * * * Pure Apple Cider Vinegar", were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On September 24, 1932, Ragland, Potter & Co., Hopkinsville, Ky., having appeared as claimant for the property, 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 \$500, conditioned that it be relabeled under the supervision of this Department, "Distilled and Evaporated Apple Products Vinegar."

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

20345. Adulteration of canned tomatoes. U.S. v. 997 and 1,998 Cases of Canned Tomatoes. Decrees of condemnation and forfeiture. Portion of product released under bond; remainder destroyed. (F. & D. nos. 28926, 28951. Sample nos. 10477-A, 11719-A.)

These actions involved quantities of canned tomatoes, samples of which were found to contain maggots.

On or about September 20 and 26, 1932, the United States attorney for the District of Connecticut, 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 2,995 cases of canned tomatoes, remaining in the original unbroken packages, in part at Bridgeport, Conn., and in part at East Hartford, Conn., alleging that the article had been shipped in interstate commerce on or about June 15, 1932, by the First National Stores, from Boston, Mass., into the State of Connecticut, and charging adulteration in

violation of the Food and Drugs Act. The article was labeled in part: "Pride of the Farm Brand * * * Tomatoes Thomas Roberts & Co., Philadelphia, Pa., U.S.A. Distributors."

It was alleged in the libels that the article was adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On October 29, 1932, claimant having appeared and petitioned release of the good portion of the product, and having filed an answer admitting the allegations of the libel and consenting to the destruction of the unfit portion, judgments were entered condemning and forfeiting the property. The decrees provided, however, that portions of the goods identified by certain codes be released to the claimant upon the filing of bonds totaling \$1,000, conditioned that they be disposed of under the supervision of this Department; that the remainder be destroyed and that claimant pay all costs of the proceedings. The goods released under bond were examined and all unfit portions destroyed.

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

20346. Adulteration of canned salmon. U.S. v. 42 Cases of Canned Salmon. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 28964. Sample nos. 26074-A, 26094-A, 26107-A.)

This action involved a shipment of canned salmon, samples of which were found to be decomposed.

On September 28, 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 42 cases of canned salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped on or about August 6, 1932, by the Pioneer Packing Co., from Cordova, Alaska, to Seattle, Wash., 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 decomposed animal substance.

On November 4, 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.*

20347. Adulteration and misbranding of rye flour. U.S. v. 140 Sacks, et al., of Flour. Consent decrees of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. nos. 28914, 28939. Sample nos. 10888-A, 10891-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 16 and September 22, 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 322 sacks of flour at New York, N.Y., alleging that the article had been shipped in interstate commerce in August 1932, by the Century Milling Co., in part from New Ulm, Minn., and in part from Minneapolis, 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: (Sacks) "New Century Rye Flour Pure White Patent The Century Milling Co., Minneapolis, Minn."

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

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

Claims were interposed for the property through the American Flour Corporation, agent for the Century Milling Co., New Ulm, Minn., who 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