

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 substituted for butter.

On April 10, 1933, the Sentinel-Missoula Creamery Co., 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 claimant upon payment of costs and the execution of a bond in the sum of \$167, conditioned that it be made to comply with the law under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

21012. Adulteration and misbranding of flour. U. S. v. 420 Sacks of Flour. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 29930. Sample no. 31387-A.)

This case involved an interstate shipment of flour found to consist of bleached flour containing benzoyl peroxide or its residue, benzoic acid.

On March 13, 1933, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 420 sacks of flour at Newark, N. J., alleging that the article had been shipped in interstate commerce, on or about February 4, 1933, by the Beatrice Mills, Whitewright, Tex., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "First Premium Flour Beatrice Mills Whitewright, Texas."

It was alleged in the libel that the article was adulterated in that bleached flour containing benzoyl peroxide or its residue, benzoic acid, had been substituted in whole or in part for the article.

Misbranding was alleged for the reason that the statement "Flour", appearing on the label, was false and misleading and deceived and misled the purchaser, when applied to a flour bleached with and containing benzoyl peroxide or its residue, benzoic acid.

On March 20, 1933, the Beatrice Mills, Whitewright, Tex., 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 claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that it be relabeled, "Bleached with Benzoyl Peroxide."

M. L. WILSON, *Acting Secretary of Agriculture.*

21013. Adulteration of apple butter. U. S. v. 30½ Cases of Apple Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29935. Sample nos. 27140-A, 27141-A, 26947-A.)

This case involved interstate shipments of apple butter which was found to contain insects.

On March 14, 1933, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 30½ cases of apple butter at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce, in part on or about January 27, 1933, and in part on or about February 20, 1933, by the Goodwin Preserving Co., from Louisville, Ky., and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled in part: "Tip Toe Brand * * * Apple Butter." The remainder was labeled in part: "Dot's Good * * * Pure Apple Butter."

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 April 25, 1933, 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.

M. L. WILSON, *Acting Secretary of Agriculture.*

21014. Misbranding of vermicelli. U. S. v. San Diego Macaroni Manufacturing Co. Plea of nolo contendere. Judgment of guilty. Fine, \$200; suspended for two years. (F. & D. no. 29385. I. S. no. 21403.)

This action was based on an interstate shipment of vermicelli, in which the packages were found to contain less than 8 ounces, the weight declared on the label. The statement of weight was small and inconspicuous.