

filed in the district court libels praying seizure and condemnation of 832 sacks of flour at Newark and Port Newark, N. J., alleging that the article had been shipped in interstate commerce on or about June 22 and July 6 and 7, 1937, from Fort Worth, Tex., by Burrus Mill & Elevator Co., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "High Gluten Prudential Flour, Milled Expressly for Prudential Flour Co., Inc., Newark, N. J."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On February 17, 1938, the cases having been consolidated and Prudential Flour Co., Inc., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be denatured and disposed of for purposes other than as food for human consumption.

W. R. GREGG, *Acting Secretary of Agriculture.*

28616. Adulteration of butter. U. S. v. 124 Tubs of Butter. Decree of condemnation. Product released under bond. (F. & D. No. 41877. Sample Nos. 2938-D, 2939-D.)

This product contained less than 80 percent of milk fat.

On February 15, 1938, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 124 tubs of butter at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about January 27, 1938, by Armour Creameries from Enid, Okla., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On February 23, 1938, Armour & Co. having appeared as claimant, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be brought up to the legal standard.

W. R. GREGG, *Acting Secretary of Agriculture.*

28617. Misbranding of potatoes. U. S. v. 400 Sacks of Potatoes. Decree of condemnation and forfeiture. Property ordered released under bond for repacking and relabeling. (F. & D. No. 41696. Sample No. 13892.)

These potatoes were below the grade represented on the label.

On February 12, 1938, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 400 sacks of potatoes at Boston, Mass., alleging that the article had been shipped on or about February 4, 1938, in interstate commerce by the Green Potato Co. from Bridgewater, Maine, and charging misbranding in violation of the Food and Drugs Act. The article was labeled: "U. S. No. 1 Maine Potatoes Green Star Brand Packed by Green Potato Co. Houlton, Me."

It was alleged to be misbranded in that the statement "U. S. No. 1" was false and misleading and tended to deceive and mislead the purchaser when applied to potatoes below U. S. No. 1 grade.

On February 18, 1938, H. E. Gustin Sons, Boston, Mass., having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered. It was ordered that the property be released to claimant under bond, conditioned that the potatoes be removed from the sacks and repacked in new sacks to be properly labeled.

W. R. GREGG, *Acting Secretary of Agriculture.*

28618. Adulteration and misbranding of jelly. U. S. v. 27 Cases of Jelly. Default decree of condemnation. Product ordered delivered to welfare organizations. (F. & D. No. 40231. Sample No. 41894-C.)

This product was deficient in fruit juice.

On August 31, 1937, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 27 cases of jelly at Washington, D. C., alleging that the article had been shipped in interstate commerce on or about August 6, 1937, by Gold Label Kitchens, Inc., from Chicago, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was labeled in part: "Old Mother Hubbard * * * Pure Red Currant Jelly Manufactured by Gold Label Kitchens, Inc. Chicago, Ill."

It was alleged to be adulterated in that it was mixed in a manner whereby inferiority was concealed.

It was alleged to be misbranded in that the statement "Pure Red Currant Jelly" was false and misleading and tended to deceive and mislead the purchaser when applied to imitation red currant jelly; and in that it was an imitation of and was offered for sale under the distinctive name of another article.

On February 15, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to welfare organizations.

W. R. GREGG, *Acting Secretary of Agriculture.*

28619. Adulteration of Pine-Cot and pineapple preserves. U. S. v. 19 Cases and 74½ Cases of Assorted Preserves. Consent decree of condemnation. Product released under bond for segregation and destruction of adulterated portion. (F. & D. Nos. 40038, 40039. Sample Nos. 43784-C, 43785-C, 43788-C, 43789-C.)

The Pine-Cot preserves and a portion of the pineapple preserves contained in these assorted preserves were moldy and decomposed.

On or about August 9, 1937, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 93½ cases of assorted preserves at Jacksonville, Fla., alleging that the articles had been shipped in interstate commerce on or about April 16 and June 14, 1937, from Brooklyn, N. Y., by Brook-Maid Food Co., Inc., and charging adulteration in violation of the Food and Drugs Act. Portions of the article were labeled in part: "Brook-Maid Brand Pure Deluxe Pine-Cot [or "Pineapple"] Preserves * * * Brook-Maid Food Co., Inc., Brooklyn, N. Y."

The Pine-Cot and a portion of the pineapple preserves were alleged to be adulterated in that they consisted in whole or in part of a decomposed and putrid vegetable substance.

On February 2, 1938, the cases having been consolidated and the Brook-Maid Food Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered as to the Pine-Cot and a portion of the pineapple, and the products were ordered released under bond conditioned that all jars of the product which contained mold or were in a fermenting condition be segregated and destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

28620. Adulteration of canned tomato and celery juice. U. S. v. 50 Cases of Tomato and Celery Juice. Default decree of condemnation and destruction. (F. & D. No. 41057. Sample No. 1136-C.)

This product was wholly or in part decomposed.

On December 10, 1937, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 cases of tomato and celery juice at Butte, Mont., alleging that the article had been shipped in interstate commerce on or about March 13, 1936, by the Perry Canning Co. from Perry, Utah, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Celto Brand Tomato and Celery Juice."

It was alleged to be adulterated in that it consisted wholly or in part of decomposed vegetable substances.

On January 25, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

J. R. GREGG, *Acting Secretary of Agriculture.*

28621. Misbranding of potatoes. U. S. v. 200 Bags of Potatoes. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. No. 42161. Sample No. 14173-D.)

This product was below the grade declared on the label.

On April 8, 1938, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 200 bags of potatoes at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about April 7, 1938, by B. J. Folsom from Harmony, Maine, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in