

29224. Adulteration of flour. U. S. v. 3,500 Sacks of Flour. Consent decree of condemnation. Product released under bond to be disposed of for purposes other than as human food. (F. & D. No. 40897. Sample No. 44284-C.)

This product was weevil-infested.

On November 27, 1937, the United States attorney for the Northern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 3,500 sacks of flour at Panama City, Fla.; alleging that the article had been shipped in interstate commerce on or about June 30, 1937, by Western Milling Co. from Pendleton, Oreg.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Western Milling Co., Pendleton, Oregon."

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

On March 14, 1938, Indiana Flour Co., Inc., Dothan, Ala., claimant, having admitted that the product was adulterated 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 should not be used for human food, but that it might be used as animal feed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29225. Adulteration and misbranding of butter. U. S. v. 5 Boxes of Butter. Default decree of condemnation and destruction. (F. & D. No. 41914. Sample No. 1869-D.)

This product contained less than 80 percent by weight of milk fat.

On February 23, 1938, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of five boxes, containing approximately 60 pounds of butter, at Cleveland, Ohio; alleging that the article had been shipped in interstate commerce on or about February 11, 1938, by the Lakota Farmers Cooperative Creamery Co. from Centerville, S. Dak.; and charging adulteration and misbranding 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 by weight of milk fat as prescribed by act of March 4, 1923, which the article purported to be.

It was alleged to be misbranded in that it was sold as and purported to be butter, whereas it should contain not less than 80 percent by weight of milk fat.

On June 23, 1938, no claimant appearing, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29226. Adulteration of butter. U. S. v. 4 Boxes of Butter. Default decree of condemnation. Product delivered to a charitable institution. (F. & D. No. 43143. Sample No. 26128-D.)

This product contained less than 80 percent of milk fat.

On July 13, 1938, 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 a libel praying seizure and condemnation of four boxes of butter at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about June 18, 1938, by Lakota Creamery from Lakota, N. Dak.; 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 of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by act of March 4, 1923.

On August 4, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29227. Adulteration of candy. U. S. v. 49 Cartons of Chocolate Bars. Default decree of condemnation and destruction. (F. & D. No. 42961. Sample Nos. 9183-D, 16245-D.)

This product was weevil-infested.

On or about June 23, 1938, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 49 cartons of candy at Houston, Tex.; alleging that the article had been shipped in interstate

commerce on or about December 15, 1937, by Chase Candy Co. from St. Joseph, Mo.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Chase Candy Co., St. Joseph, Mo."

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

On July 19, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29228. Adulteration and misbranding of whitefish caviar. U. S. v. 23 Jars, 22 Jars, and 32 Jars of White Fish Caviar. Default decree of destruction. (F. & D. No. 42448. Sample Nos. 9812-D, 9813-D, 9814-D.)

This product contained parasitic worms and fish scales; and that contained in the 16-ounce jars was short weight.

On May 24, 1938, 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 77 various sized jars of whitefish caviar at Atlantic City, N. J.; alleging that the article had been shipped in interstate commerce in various shipments on or about July 19, 1934, January 30, and June 11, 1935, by Heller Bros. Importing Co. from New York, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "White Fish Caviar Vita Brand, Net Weight 16 Oz. [or "4 Oz." or "1 Oz.]." A portion was labeled further: "Packed by Vita Fish Preserving Works, New York."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

One lot was alleged to be misbranded in that the statement "Net Weight 16 Oz." was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short weight; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the quantity stated was not correct.

On July 1, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29229. Adulteration and misbranding of ice cream cones. U. S. v. 333 Cans of Ice Cream Cones. Default decree of condemnation and destruction. (F. & D. No. 42380. Sample No. 13779-D.)

This product contained saccharin in an amount which might have rendered it injurious to health.

On May 13, 1938, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 333 cans of ice cream cones at New London, Conn.; alleging that the article had been shipped in interstate commerce on or about April 9, 1938, by U. S. Baking Co. from Brooklyn, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Mfd. by Original Sweet Baking Co. Brooklyn, N. Y."

It was alleged to be adulterated in that a substance, saccharin, had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength and in that saccharin and sugar in the place of sugar had been substituted in whole or in part for the article; and in that it contained an added deleterious ingredient, saccharin, which might have rendered it injurious to health.

It was alleged to be misbranded in that the statements on the label, "For Purity and Quality demand the New Sweet Cones We Guarantee These Cones to be Made of Finest Patent Flour and to Contain a High Percentage of Sugar," were false and misleading and tended to deceive and mislead the purchaser when applied to an article which contained saccharin.

On July 21, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29230. Misbranding of canned corn. U. S. v. 42 Cases of Corn. Default decree of destruction. (F. & D. No. 42895. Sample No. 22326-D.)

This product was field corn but was not labeled to indicate that fact.

On June 8, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district