

On or about September 1, 1938, the California Conserving Co. having appeared as claimant and having consented to the entry of a decree, judgment of condemnation was entered. The decree provided, however, that the product might be released under bond conditioned that it not be sold or disposed of contrary to law.

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

29480. Misbranding of malt food drink. U. S. v. 40 Cases of Malt Food Drink. Default decree of condemnation and destruction. (F. & D. No. 43088. Sample No. 25708-D.)

This product was labeled to indicate that it contained an appreciable amount of malted milk; but in fact it contained but a small amount of, if any, malted milk.

On July 19, 1938, the United States attorney for the Eastern 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 40 cases of malt food drink at Long Island City, N. Y.; alleging that the article had been shipped in interstate commerce on or about May 20, 1938, by the Manhattan Pure Foods Co. from Newark, N. J.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Manhattan Sweetened Chocolate * * * Malt Food Drink."

Misbranding was alleged in that the statements on the label, "Sweetened Chocolate Malt Food Drink * * * Contains * * * Pure Malted Drink * * * Guaranteed as a 100% pure food which meets all pure food law requirements," were false and misleading and tended to deceive and mislead the purchaser when applied to an article which consisted essentially of sugar, cocoa, malt, and a very small amount of, if any, malted milk.

On September 28, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

29481. Adulteration and misbranding of flour. U. S. v. 149 Sacks of Flour. Decree of condemnation. Product released under bond for relabeling. (F. & D. No. 43767. Sample No. 36052-D.)

This product was bleached flour and the fact that it was bleached was not stated on the label.

On September 7, 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 149 sacks of flour at Oakland, Calif.; alleging that the article had been shipped in interstate commerce on or about August 20, 1938, by Pillsbury Flour Mills Co. from Astoria, Oreg.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Pillsbury's Extra Fancy Sno-Sheen Cake Flour Matured With Beta Chlora."

The article was alleged to be adulterated in that bleached flour had been substituted wholly or in part for the article.

Misbranding was alleged in that the statement "Cake Flour" was false and misleading and tended to deceive and mislead the purchaser when applied to flour that was bleached. Misbranding was alleged further in that it was labeled and branded so as to deceive and mislead the purchaser since the label failed to bear a conspicuous statement indicating that the flour was bleached.

On September 22, 1938, the Pillsbury Flour Mills Co. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled to conform to the requirements of the law.

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

29482. Adulteration of flour. U. S. v. 18 Bags of Flour. Default decree of condemnation and destruction. (F. & D. No. 43366. Sample No. 38005-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of investigation insect-infested.

On August 18, 1938, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 18 bags of flour at New Orleans, La.; alleging that the article had been shipped on or about June 15, 1938, by the Newton Milling & Elevator Co. from Blackwell, Okla.; and