

not contain 1 pound, but did contain a less amount. All shipments were alleged to be misbranded in that the article 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 of the contents was omitted in one lot and incorrectly declared in the others.

On November 17, 1938, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$34.

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

**29843. Misbranding of Lacticam. U. S. v. 9 Packages of Lacticam. Judgment of condemnation and destruction.** (F. & D. No. 37401. Sample No. 57016-B.)

This product was labeled to create the impression that it contained the ingredients of whole milk; whereas it consisted of dried, powdered whey.

On March 21, 1936, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine packages of Lacticam at Detroit, Mich.; alleging that the article had been shipped in interstate commerce on or about October 3, 1935, by the Milk Minerals Co., Inc., from Chicago, Ill.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Lacticam a High Calcium Food Derived Entirely From Milk."

The Milk Minerals Co., Inc., appeared as claimant. The time for filing an answer was extended by agreement and the case was continued from time to time. On September 12, 1938, an amendment to the libel was filed.

The libel as amended alleged that the article was misbranded in that the statement "Essential Milk Nutrients in Concentrated Form," borne on the shipping case and on the label, was false and misleading since the article did not contain the ingredients of whole milk.

On October 31, 1938, the claimant having filed a motion to dismiss the amended libel, the motion was denied without opinion.

On November 15, 1938, the case having come on to be heard and the court having found that the allegations of the libel were true, judgment of condemnation was entered and the product was ordered destroyed.

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

**29844. Adulteration of sausage flour. U. S. v. 9 Barrels of Sausage Flour. Default decree of condemnation and destruction.** (F. & D. No. 43326. Sample No. 23818-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

On August 19, 1938, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine barrels of sausage flour at Fort Worth, Tex.; alleging that the article had been shipped on or about April 19, 1938, from Omaha, Nebr.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Griffith's Processed Sausage Flour \* \* \* The Griffith Laboratories Chicago."

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

On November 22, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

**29845. Adulteration of candy. U. S. v. 46 Cartons of Candy. Default decree of condemnation and destruction.** (F. & D. No. 43801. Sample No. 23826-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

On September 8, 1938, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 46 cartons of candy at Fort Worth, Tex.; alleging that the article had been shipped within the period from on or about June 25 to on or about August 4, 1937, by Fair Play

Caramels, Inc., from Johnson City, N. Y.; and charging adulteration in violation of the Food and Drugs Act.

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

On November 22, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

**29846. Adulteration of candy. U. S. v. 7 Boxes of Candy. Default decree of condemnation and destruction.** (F. & D. No. 43778. Sample No. 45007-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

On October 26, 1938, 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 seven boxes of candy at Springfield, Fla.; alleging that the article had been shipped on or about May 10, 1938, by McGraw Candy Co. from Mobile, Ala.; and charging adulteration in violation of the Food and Drugs Act.

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

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

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

**29847. Adulteration of flour. U. S. v. 700 Bags of Flour. Consent decree of condemnation. Product released under bond.** (F. & D. No. 43703. Sample No. 25106-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

On September 16, 1938, 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 700 bags of flour at Panama City, Fla.; alleging that the article had been shipped on or about April 27, 1938, by Sperry Flour Co., Western Division, General Mills, Inc., from Tacoma, Wash.; and charging adulteration in violation of the Food and Drugs Act.

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

On October 25, 1938, Theo Stivers Milling Co., Dothan Ala., 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 disposed of as animal feed or for some other purpose not contrary to the Federal Food and Drugs Act.

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

**29848. Adulteration of candy. U. S. v. 26 Boxes of Candy. Default decree of condemnation and destruction.** (F. & D. No. 43710. Sample No. 13623-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be sour and decomposed.

On September 3, 1938, the United States attorney for the Middle District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 26 boxes of candy at Moultrie, Ga.; alleging that the article had been shipped on or about May 12, 1938, by York Cone Co. from York, Pa.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

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

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