

district court an information against Page's Gold Medal Canning Co., Inc., Albion, N. Y., alleging shipment by said company on or about December 30, 1937, and January 27 and March 2, 1938, from the State of New York into the States of Pennsylvania and Ohio, of quantities of canned tomato paste which was adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Page's Gold Medal Italian Style with Sweet Basil Tomato Paste."

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

On November 10, 1938, the defendant having entered a plea of guilty, the court imposed a fine of \$150 on each of 3 counts, but suspended payment on all counts but count 1.

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

29899. Adulteration and misbranding of flour. U. S. v. 39 Bags of Flour (and 8 seizure actions against the same product). Default decrees of condemnation and destruction. (F. & D. Nos. 43523, 43607, 43612, 43613, 43639, 43700, 43701, 43851, 43963, 44035. Sample Nos. 23701-D, 23708-D, 23709-D, 23717-D, 38092-D, 38153-D, 38156-D, 38217-D, 49623-D, 49624-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original unbroken packages at the time of examination, was found to be insect-infested. Certain lots failed to bear a conspicuous declaration showing that they were bleached and also failed to bear a plain and conspicuous statement of the quantity of contents.

On various dates between September 2 and 28, 1938, the United States attorneys for the Eastern District of Louisiana and the Northern District of Florida, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 202 bags of flour at Morgan City, La., 222 bags at Baton Rouge, La., 165 bags at Lockport, La., and 1,130 bags of flour at Pensacola, Fla.; alleging that the article had been shipped within the period from on or about February 23 to on or about July 30, 1938, by General Mills, Inc., a portion from Oklahoma City, Okla., and a portion from Mobile, Ala.; and charging adulteration of all lots, and misbranding of a portion, in violation of the Food and Drugs Act. The article was variously labeled in part: "Washburn's Gold Medal Flour"; "White Flyer Flour"; "Red Stick Flour Pkd. For Consolidated Companies Plaquemine, La."; "Gold Medal Superlative Flour"; "White Flake Self-Rising Flour Southwide Flour Company Distributor Atlanta Georgia"; "Fast Flyer Flour * * * Gold Medal Flour Company of Oklahoma of General Mills, Inc."; "Full Strength Washburn Crosby Flour"; "Fast Flyer Flour Prudential Milling Co. Distributor."

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

A portion was alleged to be misbranded in that the prominent statement "Flour," borne on the label, was false and misleading and tended to deceive and mislead the purchaser when applied to flour that was bleached, the statement "Bleached" being so inconspicuously placed as to be illegible. The said portion was alleged to be misbranded further in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package.

On November 5, 8, 9, and 29, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

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

29900. Adulteration and misbranding of lime mixer. U. S. v. 16 Cases of Booth's Lime Mixer. Default decree of condemnation and destruction. (F. & D. No. 44046. Sample No. 41683-D.)

This product was labeled to indicate that it contained a substantial proportion of lime juice; whereas it contained little or none.

On September 30, 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 16 cases of Booth's lime mixer at Wildwood, N. J.; alleging that the article had been shipped in interstate commerce on or about August 16 and 24, 1938, by Booth Bottling Co. from Philadelphia, Pa.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Booth's Lime Mixer A Sparkling Beverage Flavored with Natural Oil of Limes Containing added Sugar and Citric Fruit acid carbonated."

It was alleged to be adulterated in that citric acid, lime oil, and little, if any, fruit juice had been mixed and packed with it so as to reduce, lower, or injuriously affect its quality or strength; and had been substituted wholly or in part for it.

It was alleged to be misbranded in that the statement "Lime Mixer" was false and misleading and tended to deceive and mislead the purchaser when applied to the article.

On December 14, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

29901. Adulteration of butter. U. S. v. 45 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. & D. No. 44496. Sample No. 44769-D.)

This product contained less than 80 percent of milk fat.

On December 5, 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 45 tubs of butter at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about November 19, 1938, by the Spring Valley Butter Co. from Houston, Tex.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product which contained 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 act of March 4, 1923.

On December 13, 1938, the Spring Valley Butter Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent of milk fat.

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

29902. Misbranding of cottonseed meal. U. S. v. Honey Grove Cotton Oil Co. Plea of nolo contendere. Fine, \$5. (F. & D. No. 40822. Sample No. 663-C.)

This product contained less protein and more fiber than declared.

On April 29, 1938, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Honey Grove Cotton Oil Co., a corporation, Honey Grove, Tex., alleging shipment by said company in violation of the Food and Drugs Act on or about September 23, 1937, from the State of Texas into the State of Kansas, of a quantity of cottonseed meal which was misbranded. The article was labeled in part: "Superior Quality * * * Superior Cake & Meal Co. * * * Kansas City Mo."

It was alleged to be misbranded in that the statements "Protein, not less than 43%" and "Crude Fibre, not more than 12%," were false and misleading since it contained less than 43 percent, i. e., not more than 39.50 percent, of protein, and more than 12 percent, i. e., not less than 15.35 percent, of crude fiber.

On December 12, 1938, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of \$5.

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

29903. Misbranding of butter. U. S. v. Chesapeake Creameries, Inc. Plea of guilty. Fine, \$10 and costs. (F. & D. No. 42617. Sample No. 33849-D.)

This product was short of the declared weight.

On November 18, 1938, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Chesapeake Creameries, Inc., Baltimore, Md., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about July 27, 1938, from the State of Maryland into the District of Columbia of a quantity of butter which was misbranded.

The article was alleged to be misbranded in that the statements, (carton) "One Pound Net Weight" and (wrapper) "1 lb. Net Weight," were false and misleading and tended to deceive and mislead the purchaser, since each of