

On December 27, 1938, the Brockton Preserving Co., claimant, having admitted the allegations of the libel, the court ordered the product released under bond to be relabeled in conformity with the Food and Drugs Act.

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

29950. Adulteration and misbranding of cocoa. U. S. v. 59 Cartons and 35 Cartons of Cocoa. Consent decree of condemnation. Product released under bond to be repacked and relabeled. (F. & D. Nos. 43079, 43080. Sample No. 25595-D.)

Analysis of this product showed that it contained 12 percent of added gum, and the label failed to bear a statement of the quantity of contents.

On July 19, 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 94 cartons, each containing a number of bags of cocoa, at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about May 10, 1938, by Green Spot, Inc., from Los Angeles, Calif.; and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Green Spot Old English Cocoa with stabilizer added."

It was alleged to be adulterated in that added gum had been mixed and packed with it so as to reduce, lower, or injuriously affect its quality or strength; in that a mixture of cocoa and gum had been substituted in whole or in part for the article; and in that it had been mixed in a manner whereby inferiority was concealed.

It was alleged to be misbranded in that the name "Old English Cocoa," appearing prominently on the label, was false and misleading and tended to deceive and mislead the purchaser when applied to a mixture consisting of approximately 88 percent of cocoa and 12 percent of added gum, and was not corrected by the less conspicuous statement "with stabilizer added," since stabilizers when added are ordinarily present in minute percentages; it was alleged to be misbranded further 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.

On December 19, 1938, Green Spot, Inc., 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 repacked in correctly labeled containers.

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

29951. Adulteration of flour. U. S. v. 9 Bags and 29 Bags of Flour. Default decrees of condemnation and destruction. (F. & D. Nos. 43480, 43481. Sample Nos. 38015-D, 38016-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 31, 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 38 bags of flour at New Orleans, La.; alleging that the article had been shipped on or about March 14 and April 5, 1938, by the P. H. Postel Milling Co. from Mascoutah, Ill.; and charging adulteration in violation of the Food and Drugs Act. A portion of the product was labeled, "Jack's Special Plain Flour"; and the remainder was labeled, "Jack's Special Self Rising Flour."

Adulteration was alleged in that the articles consisted wholly or in part of a filthy vegetable substance.

On November 9, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

29952. Adulteration of flour. U. S. v. 10 Bags of Flour. Default decree of condemnation and destruction. (F. & D. No. 44065. Sample No. 26147-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 5, 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 10 bags of flour at