

**4552. Misbranding of flour. U. S. \* \* \* v. 440 Sacks of Flour. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 6803. I. S. No. 2323-k. S. No. E-379.)**

On August 9, 1915, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 440 sacks, each containing about 6 pounds, of flour, remaining unsold in the original unbroken packages at Tampa, Fla., alleging that the article had been shipped on June 7, 1915, and transported from the State of Tennessee into the State of Florida, and charging misbranding in violation of the Food and Drugs Act. The article was labeled: "Mountain-City Mills, Has No Superior, Prince of Patent Flour, Can't be made any better. Chattanooga, Tenn. 6 lbs. Prince of Patents."

Misbranding of the article was alleged in the libel for the reason that the sacks containing it were labeled "6 lbs.," whereas, in truth and in fact, the sacks contained a quantity less than six pounds of said food; and for the further reason that the packages were not plainly and conspicuously marked on the outside thereof in terms of weight giving the quantity thereof.

On September 7, 1915, the Mountain City Mill Co., Chattanooga, Tenn., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon payment of all the costs of the proceedings and the execution of bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that if the article be sold or disposed of, the branding thereof should accurately and correctly describe the same.

CARL VROOMAN, *Acting Secretary of Agriculture.*