

12566. Misbranding of flour. U. S. v. 294 Sacks of Flour. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18121. I. S. No. 4957-v. S. No. C-4209.)

On November 26, 1923, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel and on December 18, 1923, an amended libel praying the seizure and condemnation of 294 sacks of flour at Cincinnati, Ohio, consigned by H. H. King & Co., Minneapolis, Minn., September 29, 1923, alleging that the article had been shipped from Minneapolis, Minn., and transported from the State of Minnesota into the State of Ohio, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "140 Lbs. The King's Gold H. H. King & Co. Minneapolis."

Misbranding of the article was alleged in the libel for the reason that the statement appearing in the label, "140 Pounds," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason 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.

On March 7, 1924, the H. H. King Flour Mills Co., Minneapolis, Minn., having admitted the material allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$2,000, in conformity with section 10 of the act, conditioned in part that it be reweighed and resacked.

HOWARD M. GORE, *Secretary of Agriculture.*

12567. Adulteration of oranges. U. S. v. 462 Boxes of Oranges. Consent decree of condemnation and forfeiture. Product released under bond to be salvaged. (F. & D. No. 18684. I. S. No. 4746-v. S. No. C-3018.)

On April 28, 1924, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 462 boxes of oranges, remaining in the original unbroken packages at Cincinnati, Ohio, consigned on or about April 16, 1924, alleging that the article had been shipped by the California Fruit Growers Exchange, Lindsay, Calif., and transported from the State of California into the State of Ohio, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Valencias * * * Blue Ridge Brand Grown and Packed by Lindsay Co-operative Citrus Assn Lindsay * * * California."

Adulteration of the article was alleged in the libel for the reason that it consisted of a decomposed vegetable substance.

On April 29, 1924, The California Fruit Growers Exchange, claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$3,000, in conformity with section 10 of the act, conditioned in part that it be sorted under the supervision of this department, the bad portion destroyed and the good portion released.

HOWARD M. GORE, *Secretary of Agriculture.*

12568. Adulteration and misbranding of chocolate-covered pineapples. U. S. v. 16 Boxes of Chocolate-Covered Pineapples. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17649. I. S. No. 637-v. S. No. E-4432.)

On or about July 18, 1923, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 16 boxes of chocolate-covered pineapples at Jersey City, N. J., alleging that the article had been shipped by the Sphinx Chocolate Corp., Brooklyn, N. Y., on or about June 8, 1923, and transported from the State of New York into the State of New Jersey, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "240 Decorated Pineapples 240 Sphinx Chocolates Light Manufactured By Sphinx Chocolate Corporation, Brooklyn, N. Y."