

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

18101-18175

[Approved by the Secretary of Agriculture, Washington, D. C., October 7, 1931]

18101. Misbranding of corn flour, cream meal, and wheat flour. U. S. v 300 Sacks of Corn Flour, et al. Decrees of condemnation entered. Products released under bond. (F. & D. Nos. 26165, 26166, 26167, 26168. I. S. Nos. 15151, 15152, 15156, 15157. S. Nos. 4476, 4487, 4488, 4489.)

Sample sacks of corn flour, cream meal, and wheat flour from the shipments herein described having been found to contain less than the amount declared on the label, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Louisiana.

On April 1, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 300 sacks of corn flour, 320 sacks of cream meal, and 310 sacks of flour, remaining in the original unbroken packages at New Orleans, La., alleging that the articles had been shipped by the Scott County Milling Co., Sikeston, Mo., on or about March 17, 1931, and had been transported from the State of Missouri into the State of Louisiana, and charging misbranding in violation of the food and drugs act as amended. The corn flour was labeled in part: (Sack) "The Scott County Milling Company The B. M. M. Co. Corn Flour Sikeston, Oran and Dexter, Mo. 98 Lbs. Corn Flour Net Weight When Packed." The wheat flour was labeled in part: (Sack) "Dexter Milling Co. Highest Winter Superior Patent Wheat Patent Dexter Mo. * * * 6 Lbs. Net Weight When Sacked." A portion of the cream meal was labeled in part: (Sack) "Every Sack Guaranteed By Scott County Milling Co. The B. M. M. Company Cream Meal Sikeston Oran, Dexter, Missouri. 24 Lbs. Cream Meal Net Weight When Packed." The remainder of the said cream meal was labeled in part: (Sack) "Every Sack Guaranteed 6 Lbs. Net Weight When Packed."

It was alleged in the libels that the articles were misbranded in that the statements regarding the weight of the product, namely, "6 Lbs. Net Weight," "24 Lbs. * * * Net Weight," and "98 Lbs. * * * Net Weight," as the case might be, borne on the labels, were false and misleading and deceived and misled purchasers. Misbranding was alleged for the further reason that the articles were foods in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statements made on the packages were not correct.

On April 7, 1931, the Scott County Milling Co., Sikeston, Mo., having appeared as claimant for the property and having admitted the allegations of the libels, judgments of condemnation were entered and it was ordered by the court that the products be released to the said claimant upon payment of costs and the execution of bonds totaling \$1,391.50, conditioned in part that they be bulked, repacked, weighed, and relabeled with their correct weights, under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18102. Adulteration of apples. U. S. v. 756 Boxes of Apples. Default decree of condemnation and destruction. (F. & D. No. 25221. I. S. No. 7238. S. No. 3507.)

Arsenic trioxide having been found on the apples in the shipment herein described, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Texas.