

On July 21, 1931, Austin, Nichols & Co. (Inc.), New York, N. Y., claimant, having admitted the allegations of the libel and having 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 costs and the execution of a bond in the sum of \$2,500, conditioned in part that it be relabeled under the supervision of this department, and that it be disposed of only in compliance with the law, State and Federal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18862. Adulteration and misbranding of flour. U. S. v. 83 Bags, et al., of Flour. Default decrees of condemnation and destruction. (F. & D. Nos. 26420, 26421, 26442. I. S. Nos. 26484, 26481, 26488. S. Nos. 4694, 4698, 4708.)

Examination of samples of flour from the shipments herein described having shown that portions of the article contained a large amount of rye flour and that the remainder contained added phosphate, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Kentucky.

On May 20 and May 21, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 296 bags or sacks of flour, remaining in the original packages in various lots at Rockholds, Whitesburg, and Corbin, Ky., respectively, consigned by the Gwinn Milling Co., Columbus, Ohio, between the dates of March 28, 1931 and April 13, 1931, alleging that the article had been shipped from Columbus, Ohio, and had been transported from the State of Ohio into the State of Kentucky, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part, variously: "Phosphated, Bleached * * * Superlative Silver Leaf Flour, Manufactured by The Gwinn Milling Co., Columbus, Ohio;" "Gwinn's Wizard Flour, The Gwinn Milling Company, Columbus, Ohio. Bleached;" "Phosphated Bleached * * * The Yellow Front Stores Golden Dawn * * * Family Flour The Yellow Front Stores, Whitesburg, Ky. Distributors."

Adulteration was alleged in the libels filed with respect to the Silver Leaf and Golden Dawn brands, for the reason that rye flour had been mixed and packed therewith so as to injuriously affect its quality, and had been substituted partly for the said article; and for the further reason that the article was mixed in a manner whereby inferiority was concealed. Adulteration was alleged with respect to the Wizard brand flour for the reason that a substance, flour containing added phosphate, had been substituted in whole or in part for the article.

Misbranding was alleged with respect to all lots of the article for the reason that the statement "Flour," borne on the labels, was false and misleading and deceived and misled the purchaser; and for the further reason that the article was offered for sale under the distinctive name of another article.

On October 20, 1931, no claimant having appeared for the property, judgments of condemnation were entered and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18863. Misbranding and alleged adulteration of canned grapefruit juice. U. S. v. 100 Cases, et al., of Canned Grapefruit Juice. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26813. I. S. Nos. 22304, 22305. S. No. 4974.)

Samples of canned grapefruit juice from the shipment herein described having been found to contain added sugar, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Washington.

On or about July 29, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 200 cases of canned grapefruit juice, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Florida Citrus Exchange, Tampa, Fla., on or about June 2, 1931, and had been transported from the State of Florida into the State of Washington, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Sealdsweet Brand Fancy Floridas Pure Finest Grapefruit Juice * * * Packed and Sold by the Florida Citrus Exchange, Tampa, Florida."