

seizure and condemnation of 15 tubs of butter, remaining in the original unbroken packages at New York, N.Y., alleging that the article had been shipped in interstate commerce on or about August 12, 1932, by American Stores Co., from Philadelphia, Pa., to New York City, N.Y., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by act of March 4, 1923.

The Merchants Refrigerating Co., New York, N.Y., interposed a claim as agent for Coyne & Nevins Co., owner, and admitted the allegations of the libel, consented to the entry of a decree, and agreed that the product be reconditioned so that it contain at least 80 percent of butterfat. On September 21, 1932, 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 \$400, conditioned in part that it be reworked so that it comply with the Federal Food and Drugs Act and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20196. Adulteration of bluefin herring. U.S. v. 3 Boxes of Bluefin Herring. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 28900. Sample no. 4543-A.)

This action involved the shipment of a quantity of bluefin herring that was infested with parasitic worms.

On August 15, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of three boxes of bluefin herring at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about August 8, 1932, by R. Ege, from Two Harbors, Minn., to Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance, and for the further reason that it consisted of portions of animals unfit for food.

On September 26, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20197. Adulteration and misbranding of butter. U.S. v. 8 Tubbs of Butter. Consent decree of condemnation and forfeiture. Product released under bond for reworking. (F. & D. no. 28899. Sample no. 3572-A.)

This action was based on the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard prescribed by Congress.

On August 22, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of eight tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 29, 1932, by Producers Creamery Co., from Clinton, Mo., to Chicago, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article contained less than 80 percent of butterfat.

Misbranding was alleged for the reason that the article had been sold, shipped, and labeled as "butter", which was false and misleading, since it contained less than 80 percent of milk fat.

On September 1, 1932, Land O'Lakes Creameries, Inc., Chicago, Ill., 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 for

reworking under the supervision of this Department, upon payment of costs and the execution of a bond in the sum of \$250, conditioned in part that it should not be sold or disposed of contrary to the provisions of the Food and Drugs Act, or the laws of any State, Territory, District, or insular possession.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20198. Adulteration and misbranding of flour, middlings, and middlings with screenings; and misbranding of corn meal. U.S. v. The Gwinn Milling Co. Plea of guilty. Fine, \$330. (F. & D. no. 28087. I. S. nos. 16076, 16077, 18567, 18568, 26351, 26366, 26367, 26374, 26484, 26488, 26489, 26496, 26497, 26499, 28322, 28323, 28324, 28351.)

This action was based on the interstate shipment of quantities of a product sold as wheat flour, which was found to consist partly of rye flour, and certain shipments of which also were found to contain undeclared added phosphate; of a quantity of wheat middlings and wheat middlings with screenings that were found to consist in large part of rye middlings; and of quantities of corn meal that was short weight.

On September 21, 1932, 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 the district aforesaid an information against the Gwinn Milling Co., a corporation, Columbus, Ohio, alleging shipment in interstate commerce of quantities of flour, middlings, and wheat middlings with screenings that were adulterated and misbranded in violation of the Food and Drugs Act; and of quantities of corn meal that was misbranded in violation of the said act as amended. The information charged that between the dates of March 21, 1931, and April 21, 1931, the defendant company had shipped from the State of Ohio into the States of Virginia, Pennsylvania, Indiana, West Virginia, and Kentucky quantities of flour that was adulterated and misbranded; that on or about March 9 and April 22, 1931, said defendant had shipped from the State of Ohio into the State of Maryland quantities of middlings and wheat middlings with screenings that were adulterated and misbranded; and that on or about April 27 and May 5, 1931, said defendant had shipped from the State of Ohio into the State of Kentucky quantities of corn meal that was misbranded. The articles were labeled in part, variously: "Superlative Best Patent Silver Leaf Flour Manufactured by the Gwinn Milling Co., Columbus, Ohio"; "Standard Midds."; "Standard Wheat Middlings with Screenings not exceeding mill run"; "Clover Farm Brand Pastry Flour * * * Distributed By Clover Farm Stores * * * Cleveland Ohio"; "Merret Brand Soft Wheat Flour * * * The Eavey Co. Xenia Ohio"; "Golden-Dawn Family Flour The Yellow Front Stores Whitesburg, Ky. Distributors"; "Log Cabin Flour Manufactured By The Gwinn Milling Co. Columbus O."; "Kansas Rose Flour Short Patent The Gwinn Milling Co. Columbus Ohio"; "10 Lbs. Net [or "25 Lbs. Net"] * * * Fancy Table Gwinn's White Corn Meal * * * Manufactured Only By The Gwinn Milling Co. Columbus Ohio."

Adulteration of the flour was alleged for the reason that a product which contained rye flour and which also contained in certain of the shipments added phosphate, had been substituted for wheat flour, which the article purported to be. Adulteration of the middlings and wheat middlings with screenings was alleged for the reason that a product composed in large part of rye middlings had been substituted for the said articles.

Misbranding was alleged with respect to the flour, middlings, and wheat middlings with screenings, for the reason that the statements, "Flour", "Wheat Flour", "Standard Midds", and "Standard Wheat Middlings with Screenings not exceeding Mill Run.", borne on the sacks containing the articles, were false and misleading and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser, since the labels represented that the articles consisted wholly of wheat flour, wheat middlings, or wheat middlings with screenings; whereas the flour consisted in part of rye flour, and portions contained added undeclared phosphate, the said middlings consisted in large part of rye middlings, and the said wheat middlings with screenings consisted in large part of a rye product. Misbranding of the corn meal was alleged for the reason that the statements, "10 Lbs. Net" or "25 Lbs. Net", borne on the labels, were false and misleading and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since the sacks contained less than so labeled. Misbranding of the corn meal 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