

20286. Adulteration and misbranding of rye flour. U.S. v. 350 Sacks of Flour, et al. Consent decrees of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. nos. 28915, 28927. Sample nos. 10887-A, 10889-A.)

These actions involved the interstate shipment of quantities of a product sold as rye flour which was found to consist of artificially bleached rye flour, a portion containing added chlorine, and the remainder containing benzoyl peroxide or its residue, benzoic acid.

On September 16 and September 21, 1932, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 637 sacks of flour at New York, N.Y., alleging that the article had been shipped in interstate commerce on August 27, 1932, by the Eagle Roller Mills Co., of New Ulm, Minn., in part from New Ulm, Minn., and in part from Buffalo Lake, Minn., to New York, N.Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Sacks) "New Century Rye Flour Pure White Patent The Century Milling Co. Minneapolis, Minn."

Adulteration was alleged in the libels with respect to a portion of the article for the reason that an artificially bleached rye flour containing benzoyl peroxide or its residue, benzoic acid, had been substituted for rye flour. Adulteration was alleged with respect to the remainder for the reason that a substance, artificially bleached rye flour, had been substituted for rye flour.

Misbranding was alleged for the reason that the statement on the sacks, "Rye Flour Pure White Patent", when applied to an artificially bleached flour, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the product was offered for sale under the distinctive name of another article.

The American Flour Corporation, New York, N.Y., interposed a claim for the property as agent for the Century Milling Co., of New Ulm, Minn., admitted the allegations of the libels, and consented to the entry of decrees. On October 6, 1932, judgments of condemnation and forfeiture were 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 bonds in the total sum of \$2,000, conditioned in part that it be labeled under the supervision of this Department by stenciling the words "Bleached with Benzoyl Peroxide" on the sacks.

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

20287. Adulteration of pickling spices. U.S. v. 300 Packages of Pickling Spices. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 28871. Sample no. 5916-A.)

This action involved the interstate shipment of a quantity of pickling spices which were found to be insect-infested.

On September 20, 1932, the United States attorney for the Northern 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 a libel praying seizure and condemnation of 300 packages of pickling spices at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce on or about August 29, 1931, by the Hudson Tea & Spice Co., Inc., from Brooklyn, N.Y. to Cleveland, Ohio, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Package) "Choice H. T. C. Pickling Spice."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On November 5, 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.*

20288. Adulteration of butter. U.S. v. 17 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 28990. Sample no. 12455-A.)

This action involved 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 for butter prescribed by Congress.

On September 9, 1932, the United States attorney for the Southern District of New York, 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 17 tubs of butter, remaining in the original and unbroken packages at New York, N.Y., alleging that the article had been shipped in interstate commerce in the latter part of August 1932, by Akron Creamery Co., from Akron, Iowa; that it had been received at New York, N.Y., on or about September 1, 1932; and that it was adulterated 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.

S. & W. Waldbaum, Inc., New York, N.Y., owner of the property, interposed a claim 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, or the deposit of cash collateral in like amount, conditioned in part that it be reworked so that it comply with the Federal Food and Drugs Act, and all laws State and Federal.

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

20289. Adulteration and misbranding of feed; misbranding of flour. U.S. v. Shenandoah Milling Co., Inc. Plea of guilty. Fine, \$25. (F. & D. no. 27509. I.S. nos. 15906, 15908, 15909, 15910, 15911, 17351, 19179, 27516, 27519, 27640.)

This action was based on the interstate shipment of quantities of flour which was short weight, and of quantities of variously labeled feeds which contained less protein and less fat than declared, and portions of which were found to consist in whole or in part of an undeclared rye product.

On May 6, 1932, the United States attorney for the Western District of Virginia, 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 Shenandoah Milling Co., Inc., a corporation, Shenandoah, Va., alleging shipment by said company, in violation of the Food and Drugs Act as amended, between the dates of February 20, 1931 and June 4, 1931, from the State of Virginia into the State of North Carolina, of quantities of feeds that were adulterated and misbranded, and of quantities of feeds and flour that were misbranded. The articles were labeled in part, variously: "Snowflake Flour * * * Shenandoah Milling Co., Inc., Shenandoah, Va. Net 12 Lbs. Weight"; "Red Dog Crude Protein 14.00% Crude Fat 3.00% * * * Ingredients Low Grade Flour and Red Dog, * * * Made by Shenandoah Milling Co., Inc. Shenandoah, Virginia"; "Blue Ridge Feed Analysis Protein 15.00% Fat 3.00% * * * Shenandoah Milling Co. Inc."; "Shenandoah Milling Company, Inc. None Better Robert E. Lee Finest Patent Flour * * * 24 Lbs. When Packed"; "48 Lbs. When Packed Shenandoah Milling Company, Inc. Stonewall Jackson Finest Patent Flour"; "Big C Hog and Cow Feed * * * Guaranteed Analysis Protein not less than 15.00% Fat not less than 4.25% * * * Manufactured by Carolina Flour Mills Burlington, N.C."

It was alleged in the information that the Red Dog feed was adulterated in that a rye product which contained less than 14 percent of crude protein and less than 3 percent of crude fat had been substituted for a product purporting to be composed of flour and to contain 14 percent of protein and 3 percent of fat. Adulteration was alleged with respect to one shipment of Blue Ridge feed for the reason that a rye product which contained less than 15 percent of protein and less than 3 percent of fat had been substituted for a product purporting to be composed of wheat shipstuff, low-grade flour, mill run, and re-cleaned screenings, and to contain 15 percent of protein and 3 percent of fat.

Misbranding of the Red Dog feed was alleged for the reason that the statements, "Crude Protein 14.00%, Crude Fat 3.00%" and "Ingredients Low Grade Flour and Red Dog", borne on the sacks containing the article, were false and misleading, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser, since the article contained less than 14 percent of crude protein, less than 3 percent of crude fat, and was composed in whole or in part of a rye product. Misbranding of the remainder of the said feeds was alleged for the reason that the statements, "Protein 15.00%, Fat 3.00% ",