

violation of the Food and Drugs Act. The article was labeled in part: "Pride of the Farm Brand * * * Tomatoes Thomas Roberts & Co., Philadelphia, Pa., U.S.A. Distributors."

It was alleged in the libels that the article was adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On October 29, 1932, claimant having appeared and petitioned release of the good portion of the product, and having filed an answer admitting the allegations of the libel and consenting to the destruction of the unfit portion, judgments were entered condemning and forfeiting the property. The decrees provided, however, that portions of the goods identified by certain codes be released to the claimant upon the filing of bonds totaling \$1,000, conditioned that they be disposed of under the supervision of this Department; that the remainder be destroyed and that claimant pay all costs of the proceedings. The goods released under bond were examined and all unfit portions destroyed.

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

20346. Adulteration of canned salmon. U.S. v. 42 Cases of Canned Salmon. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 28964. Sample nos. 26074-A, 26094-A, 26107-A.)

This action involved a shipment of canned salmon, samples of which were found to be decomposed.

On September 28, 1932, the United States attorney for the Western District of Washington, 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 42 cases of canned salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped on or about August 6, 1932, by the Pioneer Packing Co., from Cordova, Alaska, to Seattle, Wash., 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 whole or in part of a decomposed animal substance.

On November 4, 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.*

20347. Adulteration and misbranding of rye flour. U.S. v. 140 Sacks, et al., of Flour. Consent decrees of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. nos. 28914, 28939. Sample nos. 10888-A, 10891-A.)

These actions involved the interstate shipment of quantities of a product sold as rye flour, which was found to be an artificially bleached rye flour containing benzoyl peroxide or its residue, benzoic acid.

On September 16 and September 22, 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 322 sacks of flour at New York, N.Y., alleging that the article had been shipped in interstate commerce in August 1932, by the Century Milling Co., in part from New Ulm, Minn., and in part from Minneapolis, 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."

It was alleged in the libels that the article was adulterated in 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.

Claims were interposed for the property through the American Flour Corporation, agent for the Century Milling Co., New Ulm, Minn., who 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 \$1,000, 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.*

20348. Adulteration and misbranding of butter. U.S. v. 40 Cases of Butter. Product released under bond for reworking. (F. & D. no. 28968. Sample no. 17227-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 of milk fat, the standard prescribed by Congress.

On September 6, 1932, the United States attorney for the Southern District of California, 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 40 cases of butter, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about August 29, 1932, by Western Creamery Co., from Salt Lake City, Utah, to Los Angeles, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Carton) "Meadow Brook Butter Pure Fresh Sanitary One Pound Net Weight Packed Especially for South Gate Public Market * * * South Gate * * * California."

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent of milk fat had been substituted wholly or in part for butter.

Misbranding of the article was alleged for the reason that the statement "Butter" was false and misleading, since it contained less than 80 percent of milk fat.

On September 30, 1932, the Western Creamery Co., Salt Lake City, Utah, claimant, having theretofore admitted the allegations of the libel and having filed a release bond in the sum of \$300, a decree was entered ordering that the product be delivered to the claimant for reworking under the supervision of this Department. On November 22, 1932, the product having been reworked, a final decree was entered ordering that the release be permanent, that the bond be exonerated, and that claimant pay costs of the proceeding.

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

20349. Adulteration of canned frozen egg yolk. U.S. v. 205 Cans of Frozen Egg Yolk. Consent decree of condemnation and forfeiture. Product released under bond, decomposed portion order destroyed or denatured and used for technical purposes. (F. & D. no. 29020. Sample no. 11022-A.)

This action involved the interstate shipment of a quantity of canned frozen egg yolk, which was found to be in part decomposed.

On October 13, 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 205 cans of frozen egg yolk at New York, N.Y., alleging that the article had been shipped in interstate commerce on or about March 16, 1932, by the Hollywood Creamery Co., from Colorado Springs, Colo., to New York, 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 it consisted in part of a decomposed animal substance.

On November 11, 1932, Emil Fleischl & Son, 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 delivered to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,200, conditioned that the good portion be separated from the bad under the supervision of this Department; that the portion found fit for human consumption be released and that the decomposed portion be destroyed, or denatured, so as to be made inedible, and disposed of for technical purposes.

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