

20669. Adulteration and misbranding of rye flour. U. S. v. 350 Sacks and 350 Sacks of Rye Flour. Consent decrees of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. nos. 29313, 29547. Sample nos. 20487-A, 20498-A.)

These actions involved two interstate shipments of rye flour that was artificially bleached and contained benzoyl peroxide or its residue, benzoic acid.

On November 19 and November 29, 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 700 sacks of rye flour at New York City, N. Y., alleging that the article had been shipped in interstate commerce on or about August 10, 1932, and September 13, 1932, by the Washburn Crosby Co., in part from Blue Island, Ill., and in part from Duluth, Minn., to New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. A portion of the article was labeled in part: (Sack) "Washburn Crosby Gold Medal Pure White Rye Cream of Rye Washburn Crosby Inc. General Mills Minneapolis Minn." The remainder of the article was labeled in part: (Sack) "Cream of Rye Pure White Flour."

It was alleged in the libels that the article was adulterated in that artificially bleached rye flour containing benzoyl peroxide or its residue, benzoic acid, had been substituted for the article.

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

On December 15, 1932, the Washburn Crosby Co., Inc., Minneapolis, Minn., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to claimant, upon payment of costs and the execution of bonds totaling \$1,500 conditioned that it be relabeled under the supervision of this Department by stenciling upon the bags the words "Bleached with Benzoyl Peroxide" in a plain and conspicuous manner, and the further condition that it should not be disposed of except in compliance with the law, State and Federal.

R. G. TUGWELL, Acting Secretary of Agriculture.

20670. Adulteration of apples. U. S. v. 175 Bushels of Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29777. Sample no. 18454-A.)

This action involved the interstate shipment of a quantity of apples that were found to bear arsenic and lead in amounts which might have rendered them injurious to health.

On November 9, 1932, the United States attorney for the Northern District of Texas, 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 175 bushels of apples at Winters, Tex., alleging that the article had been shipped in interstate commerce on or about October 11, 1932, by George Smith, from Roswell, N. Mex., to Winters, Tex., 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 contained added poisonous ingredients, arsenic and lead, which might have rendered the article injurious to health.

On December 23, 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.

20671. Adulteration and misbranding of wheat gray shorts and wheat screenings. U. S. v. Rea-Patterson Milling Co. Plea of guilty. Fine, \$25 and costs. (F. & D. no. 29362. I. S. no. 45176.)

This case was based on an interstate shipment of a product represented to be wheat gray shorts and wheat screenings, which was found to consist of brown shorts with screenings, and to contain a larger percentage of crude fiber than labeled.

On January 10, 1933, the United States attorney for the District of Kansas, 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 Rea-