

respective portions of the article and having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond conditioned that it be reworked to the legal standard, with the exception that such portion of the butter seized at New York, N. Y. which was found to contain filth, was ordered denatured or destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27800. Adulteration of butter. U. S. v. 9 Tubs of Butter. Decree of condemnation. Product released under bond. (F. & D. No. 40080. Sample Nos. 37556-C, 37557-C.)

This product contained less than 80 percent of milk fat.

On July 29, 1937, 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 a libel praying seizure and condemnation of nine tubs of butter at New York, N. Y., alleging that it had been shipped in interstate commerce on or about July 22, 1937, by the Orange Creamery from Orange, Va., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be 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.

On August 10, 1937, the Orange Creamery, claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked to the legal standard.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27801. Misbranding of chocolate-flavored malted milk. U. S. v. 15 Cases and 12 Cases of Chocolate Flavored Malted Milk (and 2 other seizure actions against the same product.) Default decrees of condemnation and destruction. (F. & D. Nos. 39986, 39988, 40011, 40012. Sample Nos. 46379-C, 48720-C, 56124-C, 56125-C.)

This product was represented to be chocolate-flavored malted milk; whereas it was a mixture of sucrose, skimmed-milk powder, and cocoa—and in some lots, malt extract. It contained no malted milk.

On July 19, 1937, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 27 cases of chocolate-flavored malted milk at Erie, Pa. On July 20 and July 23, 1937, libels were filed against 181 cases of the product at Kansas City, Mo., and 24³/₁₂ dozen glasses, 21¹/₂ dozen cans, and 15¹⁰/₁₂ dozen jars of the product at Philadelphia, Pa. The libels alleged that the article had been shipped in interstate commerce by the Euclid Coffee Co. from Cleveland, Ohio, between the dates of May 20 and July 7, 1937, and that it was misbranded in violation of the Food and Drugs Act. A portion of the article was labeled: "Taste Rite Chocolate Flavored Malted Milk * * * The Euclid Coffee Co. Cleveland, Ohio." The remainder was labeled: "Fyne Taste Chocolate Flavored Malted Milk * * * Union Premier Stores, Inc. Philadelphia, Pa."

It was alleged to be misbranded in that the following statements were false and misleading and tended to deceive and mislead the purchaser when applied to an article that contained no malted milk: (Label of portions) "Chocolate Flavored Malted Milk * * * is a blend of the finest grades of Malted Milk"; (label of remainder) "Chocolate Flavored Malted Milk."

On August 12, August 16, and September 27, 1937, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27802. Adulteration of wheat flour. U. S. v. 790 Bags and 984 Bags of Wheat Flour. Consent decree of condemnation. Product released under bond conditioned that it should not be disposed of for human consumption. (F. & D. Nos. 40145, 40146. Sample Nos. 53333-C, 53334-C.)

This product was weevil-infested.

On August 17, 1937, the United States attorney for the Southern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,774 bags of flour at Mobile, Ala., alleging that the article had been shipped in interstate commerce by the Western Milling Co. from Portland, Oreg., on or about April 20, 1937, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Silver-Cup Soft Wheat Flour * * * Western Milling Co., Pendleton, Oregon."