

district court a libel praying seizure and condemnation of 50 cartons of canned cherries at Santa Barbara, Calif., alleging that the article had been shipped in interstate commerce on or about September 30, 1937, from Seattle, Wash., by the National Fruit Canning Co., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Westag Brand Water Pack Red Sour Pitted Cherries * * * Western States Grocery Company, Distributors Oakland California."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On November 24, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

28183. Adulteration of flour. U. S. v. 420 Bags of Flour. Decree of condemnation. Product released under bond for segregation and denaturing of portion unfit for human consumption. (F. & D. No. 40290. Sample No. 53354-C.)

This article was infested with insects.

On September 15, 1937, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 420 bags of flour at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about August 12, 1937, by Kell Mill & Elevator Co., from Wichita Falls, Tex., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Kell Mill & Elevator Co. Wichita Falls, Texas Western Lily Flour."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On October 15, 1937, J. F. Eagan, New Orleans, La., having intervened as owner or agent for the owner and having admitted the allegations, judgment of condemnation was entered. It was ordered that the property be released to the claimant under bond conditioned that the bad portion be separated from the good, if any, and the former denatured so that it could not be used for human food, but that it might be used as animal feed.

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

28184. Adulteration of flour. U. S. v. 163 Bags of Flour. Decree of condemnation and forfeiture. Article released under bond for segregation and denaturing of portion unfit for human consumption. (F. & D. No. 40301. Sample No. 53361-C.)

This product was infested with weevils and worms.

On September 16, 1937, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 163 bags of flour at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about July 5, 1937, by Ismert Hincke Milling Co. from Kansas City, Mo., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Thunderbolt Flour Ismert Hincke Milling Co., Kansas City."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On October 15, 1937, Schwartz & Voelkel, New Orleans, La., having intervened as owner or agent for the owner and having admitted the allegations of the libel, judgment of condemnation was entered. The product was ordered released to the claimant under bond conditioned that the bad be separated from the good, if any, and that the former be denatured so that it could not be used for human food, but that it might be used as animal feed.

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

28185. Misbranding of canned peas. U. S. v. 300 Cases of Canned Peas. Decree of condemnation. Product released under bond for relabeling. (F. & D. No. 40165. Same No. 44222-C.)

This product was substandard since the peas were not immature, and it was not labeled to indicate that it was substandard.

On August 23, 1937, the United States attorney for the Western District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 300 cases of canned peas at Charlotte, N. C., alleging the article had been shipped in inter-

state commerce on or about June 26, 1937, by the Southern Packing Co., Inc., from Baltimore, Md., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled: (Cans) "Blue-Ri-Co Brand * * * Southern Packing Co., Inc., Smithburg, Md."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture since the peas were not immature, and the package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On November 29, 1937, the Southern Packing Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled to comply with the law.

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

28186. Adulteration and misbranding of imitation lemon flavoring. U. S. v. 116 Bottles of Westag Imitation Lemon Flavoring. Default decree of condemnation and destruction. (F. & D. No. 41540. Sample No. 52341-C.)

This product contained about 10 percent of carbitol, a commercial solvent composed of a glycol and a glycol ether, poisons; and was deficient in citral content and was practically flavorless.

On January 31, 1938, the United States attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 116 bottles of imitation lemon flavoring at Tucson, Ariz., alleging that the article had been shipped in interstate commerce on or about September 13, 1937, by General Food Products Co., from Oakland, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Bottles) "Westag Imitation Lemon Flavoring * * * Distributed by General Food Products Co. Oakland—Calif."

It was alleged to be adulterated in that an article deficient in citral content and containing a poisonous substance, glycol or glycol ether or both, had been substituted wholly or in part for "Imitation Lemon Flavoring," which the article purported to be; in that it had been mixed and colored in a manner whereby inferiority was concealed; and in that it contained an added poisonous or deleterious ingredient, a glycol or glycol ether, or both, which might have rendered it injurious to health.

The article was alleged to be misbranded in that the statement "Imitation Lemon Flavoring" was false and misleading and tended to deceive and mislead the purchaser when applied to a product containing carbitol, a glycol or glycol ether or both, poisons, and which was deficient in citral content and was practically flavorless; it was alleged to be misbranded further in that it was offered for sale under the distinctive name of another article, "Imitation Lemon Flavoring."

On February 21, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

28187. Adulteration of butter. U. S. v. 18 Cases and 117 Cartons of Butter. Decree of condemnation and order of destruction. (F. & D. No. 39897. Sample No. 13879-B.)

This article was deficient in fat and contained foreign material.

On June 26, 1937, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 18 cases and 117 cartons of butter at Great Falls, Mont., alleging that the article had been shipped in interstate commerce on or about May 18, 1937, by Swift & Co. from New Rockford, N. Dak., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Swifts Brookfield Butter distributed by Swift & Company General Offices Chicago."

The article was alleged to be adulterated in that a substance deficient in fat had been substituted wholly or in part for the article, namely, butter; and in that the article consisted in whole or in part a filthy, decomposed or putrid animal substance.

On October 15, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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