

court a libel praying seizure and condemnation of 600 bags of flour at Tampa, Fla., alleging that the article had been shipped in interstate commerce, on or about May 4, 1937, from Minneapolis, Minn., by the Commander Milling Co., Minneapolis, Minn., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Commander Milling Co., General Offices Minneapolis, Minn."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On January 29, 1938, Jose Franquiz & Co., Tampa, Fla., claimant, having admitted the allegations of the libel and having petitioned release of the product, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be denatured and disposed of according to law.

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

**28492. Misbranding of candy. U. S. v. 13 Cases and 18 Boxes of Candy. Default decree of condemnation. Product ordered distributed to charitable institutions.** (F. & D. No. 40841. Sample Nos. 61950-C, 62081-C.)

This product was short weight.

On November 16, 1937, the United States attorney for the Western 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 13 cases and 18 boxes of candy at Buffalo, N. Y., alleging that the article had been shipped in interstate commerce on or about November 2, 1937, by San-Man Chocolate Co. from Boston, Mass., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Virginia Lawton Chocolates One Pound Net Virginia Lawton Chocolates Co., Boston, Mass."

It was alleged to be misbranded in that the statement "One Pound Net" was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short weight, and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On December 20, 1937, no claimant having appeared, judgment of condemnation was entered. On January 4, 1938, the product was ordered distributed among charitable institutions.

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

**28493. Adulteration and misbranding of lemon juice. U. S. v. 21 and 93 Cases of Alleged Lemon Juice. Judgment releasing product for relabeling.** (F. & D. No. 38956. Sample No. 31229-C.)

This product was diluted with water and contained added acid, but was represented to be pure lemon juice. Moreover, a portion of it was short in volume, and its labeling bore false and fraudulent representations regarding its curative and therapeutic effects.

On January 23, 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 114 cases of alleged lemon juice at Butte, Mont., alleging that the article had been shipped in interstate commerce on or about September 25, 1936, from Los Angeles, Calif., by General Food Products Co., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Golden Flow Brand Pure Lemon Juice \* \* \* Contents 15 Fl. Oz. [or "8 Fl. Oz."] \* \* \* Pure Foods Corp., Los Angeles, Calif."

It was alleged to be adulterated in that it had been mixed and packed so as to reduce and lower its quality and in a manner whereby its inferiority was concealed; and in that a mixture of lemon juice, water, and acid had been substituted for pure lemon juice, which it purported to be.

The article was alleged to be misbranded in that the design of lemons and a glass of what apparently was lemon juice, and the statements, "Lemon Juice" and "Pure Lemon Juice," borne on the label, were false and misleading and tended to deceive and mislead the purchaser as applied to lemon juice diluted with water and containing added acid; in that it was an imitation of and was offered for sale under the distinctive name of another article, pure lemon juice; and in that the statements, "An aid to Beauty, Health of Skin and Scalp, when Applied Externally \* \* \* Repels nerve inflammation, of Special Value in Southern Climates to Combat Disease," appearing on the labels, falsely and fraudulently represented the curative and therapeutic effects of the article. The product in the 8-ounce cans was alleged to be misbranded further in that it was

food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On January 18, 1938, the Western States Grocery Co., Butte, Mont., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, the product was ordered released under bond for relabeling.

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

**28494. Adulteration of flour. U. S. v. 16 Bags of Flour. Default decree of condemnation and destruction. (F. & D. No. 40685. Sample No. 22513-C.)**

This product was infested with insects.

On November 9, 1937, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 16 bags of flour at Tampa, Fla., alleging that the article had been shipped in interstate commerce on or about October 13, 1936, from Pendleton, Oreg., by the Western Milling Co., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Soft Wheat Oregold Patent Flour \* \* \* Western Milling Company Pendleton Oregon."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On January 5, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

**28495. Adulteration of frozen shrimp. U. S. v. 44 Boxes of Frozen Shrimp. Default decree of condemnation and destruction. (F. & D. No. 42014. Sample No. 14333-D.)**

This product was in part decomposed.

On March 10, 1938, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 44 boxes of frozen shrimp at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about March 8, 1938, by Commonwealth Ice & Cold Storage from Boston, Mass., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

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

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

**28496. Adulteration of butter. U. S. v. 10 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. & D. No. 42169. Sample No. 11799-D.)**

This product contained less than 80 percent of milk fat.

On April 1, 1938, 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 10 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about March 22, 1938, by Veblen Home Creamery, from Veblen, S. Dak., 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 April 13, 1938, Veblen Home Creamery, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that it be reworked so that it contain at least 80 percent of butterfat.

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

**28497. Misbranding of honey. U. S. v. 15 Dozen Jars of Honey. Default decree of condemnation. Product delivered to a charitable institution. (F. & D. No. 41628. Sample No. 798-D.)**

This product was short weight.

On February 8, 1938, the United States attorney for the Western District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in