

On August 25, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

**29314. Adulteration of flour. U. S. v. 105 Sacks and 140 Sacks of Flour. Consent decrees of condemnation. Product released under bond conditioned that unfit portion be denatured or destroyed. (F. & D. Nos. 40483, 40560. Sample Nos. 37744-C, 37755-C.)**

Samples of this product were found to be insect-infested. A portion of the sacks failed to bear a statement of the quantity of contents.

On October 14 and 23, 1937, the United States attorney for the Eastern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 245 sacks of flour at Brooklyn, N. Y.; alleging that the article had been shipped in interstate commerce on or about June 11 and July 21, 1937, from Fostoria, Ohio, by Mennel Milling Co.; and charging that a portion was adulterated and the remainder was misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part "The Mennel Milling Company."

One lot was alleged to be adulterated in that it was insect-infested.

The remaining lot was alleged to be misbranded 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 no quantity was stated.

On January 24, 1938, Leopold Gross, Inc., New York, N. Y., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation were entered, and the product was ordered released under bond conditioned that both lots be segregated, the good from the bad, and that the latter be destroyed or denatured so that it could not be disposed of for human consumption.

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

**29315. Adulteration and misbranding of butter. U. S. v. 66 Cubes of Butter. Consent decree of condemnation. Product released under bond. (F. & D. No. 43232. Sample No. 19169-D.)**

This product contained less than 80 percent of milk fat.

On July 26, 1938, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 66 cubes of butter at Los Angeles, Calif.; alleging that the article had been shipped in interstate commerce on or about July 16, 1938, by Star Valley Creamery Co. from Afton, Wyo.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Star Valley Creamery Butter Star Valley Creamery Co. Afton—Wyoming."

It 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 as provided by act of March 4, 1923.

The article was alleged to be misbranded in that the statement "Creamery Butter" was false and misleading and deceived and mislead the purchaser when applied to a product which contained less than 80 percent of milk fat.

On August 22, 1938, the Star Valley Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be brought up to the legal standard under the supervision of this Department.

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

**29316. Misbranding of canned peas. U. S. v. 358 Cases of Peas. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 41946. Sample No. 15209-D.)**

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

On March 18, 1938, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 358 cases of canned peas at Kansas City, Mo.; alleging that the article had been shipped in interstate commerce on or about October 23, 1937, by Johannes Pure Food Co. from Cleveland, Wis.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Grocer Boy Brand Wisconsin

Early Variety Peas \* \* \* Packed by Knellsville Pea Canning Company Port Washington, Wis."

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 its package or label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard.

On September 2, 1938, the Hershey Wholesale Grocery Co., Kansas City, Kans., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be relabeled under the supervision of this Department.

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

**29317. Adulteration of apples. U. S. v. 70 Bushels of Apples. Consent decree of condemnation and destruction. (F. & D. No. 43786. Sample No. 31278-D.)**

This product was contaminated with lead.

On August 19, 1938, 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 70 bushels of apples at Pittsburgh, Pa.; alleging that the article had been shipped in interstate commerce on or about August 15, 1938, by Samuel Sam from Dunkirk, N. Y.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On August 27, 1938, judgment of condemnation was entered and the product was ordered destroyed, the consignee in view of its perishable nature, having recommended its destruction.

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

**29318. Adulteration of crab meat. U. S. v. 13 Cans, 8 Cans, and 1 Barrel of Crab Meat. Default decrees of condemnation and destruction. (F. & D. Nos. 43113, 43168. Sample Nos. 34044-D, 34056-D.)**

This product contained evidence of the presence of filth.

On July 22 and 30, 1938, the United States attorney for the District of Columbia, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 21 cans and 1 barrel of crab meat at Washington, D. C.; alleging that the article had been shipped in interstate commerce on or about July 19 and July 27, 1938, by Alex Haddaway from Claiborne, Md.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted of a filthy animal substance.

On August 18, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

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**29319. Adulteration of ketchup and tomato juice cocktail. U. S. v. 479 Cases of Ketchup and 266 Cases of Tomato Juice Cocktail. Consent decree of condemnation. Products released under bond conditioned that containers be salvaged and contents destroyed. (F. & D. No. 41983. Sample Nos. 13816-D, 13817-D.)**

Analyses showed that these products contained excessive mold.

On March 17, 1938, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 479 cases of ketchup and 266 cases of tomato juice cocktail at Somerville, Mass.; alleging that the articles had been shipped in interstate commerce on or about February 7, 1938, by Curtice Bros. Co. from Rochester, N. Y.; and charging adulteration in violation of the Food and Drugs Act. The articles were labeled in part: "Blue Label Ketchup [or "Tomato Juice Cocktail"] \* \* \* Curtice Brothers Co. Rochester, N. Y."

They were alleged to be adulterated in that they consisted in whole or in part of a decomposed and filthy vegetable substance.

On April 15, 1938, Curtice Bros. Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the products were