

court a libel praying seizure and condemnation of 28 bags of flour at Port Newark, N. J.; alleging that the article had been shipped on or about April 27, 1933, by Stanard-Tilton Milling Co. from Dallas, Tex.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Patterson Pride High Gluten Flour Distributed by B. Newman & Son Patterson, N. J."

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

On October 28, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29734. Adulteration of flour. U. S. v. 32 Bags of Flour. Default decree of condemnation and destruction. (F. & D. No. 43533. Sample No. 37783-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to be insect-infested.

On August 31, 1938, 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 32 bags of flour at New Orleans, La.; alleging that the article had been shipped on or about March 12, 1938, by H. C. Cole Milling Co. from Chester, Ill.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "White Ring Pure Soft Wheat Flour."

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

On November 9, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29735. Misbranding of bread. U. S. v. Safeway Stores, Inc. Plea of guilty. Fine, \$600. (F. & D. No. 42569. Sample Nos. 27221-D, 27222-D, 27225-D, 27227-D, 27328-D, 27329-D, 27331-D.)

This case involved bread which was short of the declared weight.

On October 24, 1938, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Safeway Stores, Inc., trading at Denver, Colo., alleging that the said defendant delivered for shipment from the State of Colorado to the States of Wyoming and Nebraska within the period from on or about April 22, 1938, to on or about April 26, 1938, quantities of bread which was misbranded. The article was labeled in part: (Wrapper) "American Youth."

Misbranding was alleged in that the statements "Wt. 1 lb." and "1½ Lbs." borne on the wrappers, were false and misleading and were borne on the said wrappers so as to deceive and mislead the purchaser since they represented that the loaves weighed 1 pound net weight or 1½ pound net weight; whereas the loaves were not of the weight declared on the label but were of less weight. Misbranding was alleged further in that the article 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 statement made was not correct.

On November 17, 1938, a plea of guilty was entered on behalf of the defendant, and the court imposed a fine of \$600.

M. L. WILSON, *Acting Secretary of Agriculture.*

29736. Adulteration of butter. U. S. v. Merchants Dairy Co. Plea of guilty. Fine, \$120 and costs. (F. & D. No. 42575. Sample Nos. 21747-D, 21751-D, 21752-D.)

This product contained less than 80 percent of milk fat.

On September 12, 1938, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Merchants Dairy Co., a corporation, Desloge, Mo., alleging shipment by said defendant in violation of the Food and Drugs Act, within the period from on or about April 22, 1938, to on or about May 2, 1938, from the State of Missouri into the State of Illinois of quantities of butter that was adulterated.

The article was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as prescribed by the act of March 4, 1923.

On September 19, 1938, a plea of guilty was entered by the defendant and the court imposed a fine of \$120 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

29737. Adulteration of tomato and celery juice. U. S. v. 10 Cases and 31 Cans of Tomato and Celery Juice. Default decree of condemnation and destruction. (F. & D. No. 42914. Sample No. 27301-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to be decomposed.

On July 5, 1938, 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 10 cases and 31 cans of tomato and celery juice at Lewistown, Mont.; alleging that the article had been shipped on or about May 26, 1936, by Woods Cross Canning Co. from Clearfield, Utah; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Celto Brand Tomato and Celery Juice * * * Packed for Blake and Blackinton, Ogden, Utah."

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

On September 9, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29738. Adulteration of crab meat. U. S. v. Brunswick Fisheries, Inc. Plea of nolo contendere. Sentence suspended. Defendant placed on 2 years' probation. (F. & D. No. 42559. Sample Nos. 13362-D, 13363-D, 13402-D.)

This product contained evidence of the presence of filth.

On September 1, 1938, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Brunswick Fisheries, Inc., Brunswick, Ga., alleging shipment by said company in violation of the Food and Drugs Act, on or about April 5 and 13, 1938, from the State of Georgia into the States of South Carolina and New York, respectively, of quantities of crab meat that was adulterated.

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

On October 12, 1938, a plea of nolo contendere was entered on behalf of the defendant. The court suspended sentence and placed the defendant on probation for a period of 2 years.

M. L. WILSON, *Acting Secretary of Agriculture.*

29739. Adulteration of butter. U. S. v. Scotland Creamery Co. Plea of guilty. Fine, \$25. (F. & D. No. 42600. Sample Nos. 12115-D, 19477-D.)

This product was deficient in milk fat.

On November 14, 1938, the United States attorney for the District of South Dakota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Scotland Creamery Co., a corporation, Scotland, S. Dak., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about June 21, 1938, from the State of South Dakota into the State of New York of a quantity of butter which was adulterated.

The article was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat, as prescribed by the act of March 4, 1923.

On November 22, 1938, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

29740. Adulteration of flour. U. S. v. 118, 563, 211, and 131 Bags of Flour. Decree of condemnation. Product released under bond to be salvaged for animal food. (F. & D. Nos. 43964 to 43967, inclusive. Sample Nos. 49746-D, 49748-D, 49750-D, 49751-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to be insect-infested.

On September 27, 1938, the United States attorney for the Northern District of Mississippi, acting upon reports by the Secretary of Agriculture, filed in the