

court a libel praying seizure and condemnation of 257 cases of canned pears at Minneapolis, Minn.; alleging that they had been shipped in interstate commerce on or about February 5, 1938, by the C. S. Kale Canning Co. from Everson, Wash.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Nooksac Compote * * * Bartlett Pears."

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 fruit was not in unbroken halves, 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 October 17, 1938, the Northwest Grocers, St. Paul, Minn., 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.*

29841. Misbranding of canned peaches. U. S. v. 13 Cases of Canned Peaches. Default decree of condemnation. Product delivered to a charitable institution. (F. & D. No. 42944. Sample No. 28624-D.)

This product fell below the standard established by this Department, and it was not labeled to indicate that it was substandard.

On June 18, 1938, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 13 cases of canned peaches at Spokane, Wash.; alleging that the article had been shipped in interstate commerce on or about August 20, 1937, from Portland, Oreg., for the Gresham Berry Growers, Inc., of Gresham, Oreg.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Oregon Freestone Peaches Packed By Gresham Berry Growers, Inc."

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 because it was packed in water, the units were not of uniform sizes, the fruit was not in unbroken halves, 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 December 5, 1938, no claimant having appeared, judgment of condemnation was entered and it was ordered that the labels be removed and the product delivered to a charitable institution.

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

29842. Adulteration and misbranding of bread. U. S. v. O. P. Skaggs Co. Plea of guilty. Fine, \$34. (F. & D. No. 42607. Sample Nos. 11622-D, 11627-D, 11628-D, 11651-D.)

This case involved three shipments of so-called milk bread which was deficient in milk and was short weight, and one shipment of bread which failed to bear a statement on the label of the quantity of the contents.

On November 14, 1938, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the O. P. Skaggs Co., a corporation trading at Salt Lake City, Utah, alleging shipment by said company in the period from on or about April 13, 1938, to on or about April 29, 1938, from the State of Utah into the State of Idaho of quantities of bread which was misbranded and portions of which were adulterated in violation of the Food and Drugs Act. Portions of the article were labeled: "Milk Maid Bread * * * Baked By City Baking Co. Salt Lake City, Utah."

Portions of the article were alleged to be adulterated in that a product deficient in milk had been substituted for milk bread, which it purported to be.

The said portions were alleged to be misbranded in that the statement "Milk Maid White [or "Wheat"] Bread" and "1 Lb." together with a design of a milk maid with a pail of milk, borne on the wrapper, were false and misleading and were borne on the wrapper so as to deceive and mislead the purchaser in that the said statements represented that the article consisted of milk bread and that each loaf weighed 1 pound; whereas the article did not consist of milk bread, but consisted of a product deficient in milk and each of the loaves did

not contain 1 pound, but did contain a less amount. All shipments were alleged to be misbranded 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 quantity of the contents was omitted in one lot and incorrectly declared in the others.

On November 17, 1938, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$34.

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

29843. Misbranding of Lacticam. U. S. v. 9 Packages of Lacticam. Judgment of condemnation and destruction. (F. & D. No. 37401. Sample No. 57016-B.)

This product was labeled to create the impression that it contained the ingredients of whole milk; whereas it consisted of dried, powdered whey.

On March 21, 1936, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine packages of Lacticam at Detroit, Mich.; alleging that the article had been shipped in interstate commerce on or about October 3, 1935, by the Milk Minerals Co., Inc., from Chicago, Ill.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Lacticam a High Calcium Food Derived Entirely From Milk."

The Milk Minerals Co., Inc., appeared as claimant. The time for filing an answer was extended by agreement and the case was continued from time to time. On September 12, 1938, an amendment to the libel was filed.

The libel as amended alleged that the article was misbranded in that the statement "Essential Milk Nutrients in Concentrated Form," borne on the shipping case and on the label, was false and misleading since the article did not contain the ingredients of whole milk.

On October 31, 1938, the claimant having filed a motion to dismiss the amended libel, the motion was denied without opinion.

On November 15, 1938, the case having come on to be heard and the court having found that the allegations of the libel were true, judgment of condemnation was entered and the product was ordered destroyed.

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

29844. Adulteration of sausage flour. U. S. v. 9 Barrels of Sausage Flour. Default decree of condemnation and destruction. (F. & D. No. 43326. Sample No. 23818-D.)

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

On August 19, 1938, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine barrels of sausage flour at Fort Worth, Tex.; alleging that the article had been shipped on or about April 19, 1938, from Omaha, Nebr.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Griffith's Processed Sausage Flour * * * The Griffith Laboratories Chicago."

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

On November 22, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

29845. Adulteration of candy. U. S. v. 46 Cartons of Candy. Default decree of condemnation and destruction. (F. & D. No. 43801. Sample No. 23826-D.)

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

On September 8, 1938, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 46 cartons of candy at Fort Worth, Tex.; alleging that the article had been shipped within the period from on or about June 25 to on or about August 4, 1937, by Fair Play