

district court an information against Page's Gold Medal Canning Co., Inc., Albion, N. Y., alleging shipment by said company on or about December 30, 1937, and January 27 and March 2, 1938, from the State of New York into the States of Pennsylvania and Ohio, of quantities of canned tomato paste which was adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Page's Gold Medal Italian Style with Sweet Basil Tomato Paste."

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

On November 10, 1938, the defendant having entered a plea of guilty, the court imposed a fine of \$150 on each of 3 counts, but suspended payment on all counts but count 1.

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

29899. Adulteration and misbranding of flour. U. S. v. 39 Bags of Flour (and 8 seizure actions against the same product). Default decrees of condemnation and destruction. (F. & D. Nos. 43523, 43607, 43612, 43613, 43639, 43700, 43701, 43851, 43963, 44035. Sample Nos. 23701-D, 23708-D, 23709-D, 23717-D, 38092-D, 38153-D, 38156-D, 38217-D, 49623-D, 49624-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original unbroken packages at the time of examination, was found to be insect-infested. Certain lots failed to bear a conspicuous declaration showing that they were bleached and also failed to bear a plain and conspicuous statement of the quantity of contents.

On various dates between September 2 and 28, 1938, the United States attorneys for the Eastern District of Louisiana and the Northern District of Florida, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 202 bags of flour at Morgan City, La., 222 bags at Baton Rouge, La., 165 bags at Lockport, La., and 1,130 bags of flour at Pensacola, Fla.; alleging that the article had been shipped within the period from on or about February 23 to on or about July 30, 1938, by General Mills, Inc., a portion from Oklahoma City, Okla., and a portion from Mobile, Ala.; and charging adulteration of all lots, and misbranding of a portion, in violation of the Food and Drugs Act. The article was variously labeled in part: "Washburn's Gold Medal Flour"; "White Flyer Flour"; "Red Stick Flour Pkd. For Consolidated Companies Plaquemine, La."; "Gold Medal Superlative Flour"; "White Flake Self-Rising Flour Southwide Flour Company Distributor Atlanta Georgia"; "Fast Flyer Flour * * * Gold Medal Flour Company of Oklahoma of General Mills, Inc."; "Full Strength Washburn Crosby Flour"; "Fast Flyer Flour Prudential Milling Co. Distributor."

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

A portion was alleged to be misbranded in that the prominent statement "Flour," borne on the label, was false and misleading and tended to deceive and mislead the purchaser when applied to flour that was bleached, the statement "Bleached" being so inconspicuously placed as to be illegible. The said portion was alleged to be misbranded further in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package.

On November 5, 8, 9, and 29, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

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

29900. Adulteration and misbranding of lime mixer. U. S. v. 16 Cases of Booth's Lime Mixer. Default decree of condemnation and destruction. (F. & D. No. 44046. Sample No. 41683-D.)

This product was labeled to indicate that it contained a substantial proportion of lime juice; whereas it contained little or none.

On September 30, 1938, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 16 cases of Booth's lime mixer at Wildwood, N. J.; alleging that the article had been shipped in interstate commerce on or about August 16 and 24, 1938, by Booth Bottling Co. from Philadelphia, Pa.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Booth's Lime Mixer A Sparkling Beverage Flavored with Natural Oil of Limes Containing added Sugar and Citric Fruit acid carbonated."