and barrels also contained numerous rodent pellets. Examination of samples showed that the product contained rodent pellets, rodent hairs, and miscellaneous debris.

On March 16, 1943, the United States attorney for the Eastern District of Missouri filed a libel against 162 bags, 35 barrels, and 31 boxes of mustard seed at St. Louis, Mo., alleging that the article had been shipped from Havre, Mont., on or about July 21, 1942, and was in the possession of Berger Foods Co., St. Louis, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been held under insanitary conditions whereby it might have become contaminated with filth.

On November 13, 1943, no claimant having appeared other than Archie Berger and Ben Berger, doing business as the Berger Foods Co., and those individuals having subsequently abandoned their claim, judgment of condemnation was entered and the product was ordered sold to such persons as would adopt such safeguards as might be directed by the Food and Drug Administration against its use in violation of the law. On January 17, 1944, no purchaser having been found, an amended decree was entered for the destruction of the product.

5566. Adulteration of mustard seed. U. S. v. 210 Bags of Mustard Seed. Consent decree of condemnation. Product ordered released under bond to be reconditioned. (F. D. C. No. 10664. Sample No. 56052-F.)

On September 7, 1943, the United States attorney for the Southern District of New York filed a libel against 210 bags of mustard seed at New York, N. Y., alleging that the article had been shipped on or about May 12, 1943, by the Montana Mustard Seed Co., Power, Mont.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance because of the presence of larvae and insect fragments. The article was labeled in part: "Superior Brand Mustard Seed Distributed by Farmer's Trading Co. Cut Bank, Montana".

On October 18, 1943, Max Feuerstein, Brooklyn, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond to be reconditioned under the supervision of the Food and Drug Administration. The product was reconditioned and the good portion was released to the claimant and the bad portion was destroyed.

5567. Adulteration of cayenne pepper. U. S. v. 235 Cartons and 63 Cases of Cayenne Pepper. Default decrees of condemnation and destruction. (F. D. C. Nos. 10057, 10174. Sample Nos. 10852-F, 11253-F.)

On June 8 and July 2, 1943, the United States attorney for the Northern District of California filed libels against 235 cartons and 63 cases, each containing 12 cartons, of cayenne pepper at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about April 26 and 27, 1943, by H. Schoenfeld & Sons, Inc., from New York, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, (one lot) insect fragments, (other lot) insect and worm fragments. The article was labeled in part: "Sunred Spices Pure Cayenne Pepper."

On August 20, 1943, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

5568. Adulteration of cayenne pepper. U. S. v. 865½ Cases of Cayenne Pepper. Default decree of condemnation and destruction. (F. D. C. No. 9170. Sample No. 11081-F.)

On January 11, 1943, the United States attorney for the Northern District of California filed a libel against 865½ cases, each containing 12 cartons, of cayenne pepper at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about November 28, 1942, by Durkee Famous Foods, Inc., from Corona, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, insect fragments and rodent hair fragments. The article was labeled in part: (Carton) "Durkee's Cayenne Pepper."

On September 20, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5569. Adulteration of sesame seed. U. S. v. 8 Bags of Sesame Seed. Default decree of condemnation and destruction. (F. D. C. No. 10134. Sample No. 45272-F.)

This product was stored after shipment in interstate commerce in a storeroom that was heavily infested with flour moths and insects.

On or about June 24, 1943, the United States attorney for the District of New Jersey filed a libel against 8 bags of sesame seed at Elizabeth, N. J., in the

possession of the Burry Biscuit Corporation, alleging that the article had been shipped in interstate commerce within the period from on or about March 31 to May 5, 1943, from Brooklyn, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of filthy substances, weevils, cocoons, and insect excreta, and in that it had been held under insanitary conditions whereby it may have become contaminated with filth.

On August 4, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5570. Adulteration of spices and adulteration and misbranding of celery seed. U. S. v. 10 Cases of Tumeric, 4 Cases of Spice, 5 Cases of Celery Seed, 5 Cases of Ginger, and 4 Cases of Cayenne Pepper. Default decree of condemnation and destruction. (F. D. C. No. 8340. Sample Nos. 5742–F to 5744–F, incl., 5746–F, 5747–F.)

These products all contained filth and one, celery seed, was short weight.

On September 11, 1942, the United States attorney for the Western District of Arkansas filed a libel against 10 cases of tumeric, 4 cases of pickling spice, 5 cases of celery seed, 5 cases of ginger, and 4 cases of cayenne pepper at Hot Springs, Ark., alleging that the articles had been shipped in interstate commerce on or about November 14, 1941, and July 16, 1942, by Canova Foods, Inc., from Memphis, Tenn.; and charging that they were adulterated and that the celery seed was misbranded. The articles were labeled in part: "Canova Brand."

They were alleged to be adulterated in that they consisted in whole or in part of filthy substances, (tumeric and pepper) insect fragments and rodent hairs, (pickling spice) adult beetles (some alive), larvae, and insect excreta pellets; (celery seed) insect heads, larvae cast skins, insect fragments, and rodent hairs; (ginger) rodent hairs, adult beetles, and insect fragments.

The celery seed was alleged to be misbranded in that it was in package form and was incorrectly labeled since the statement on the label "Net Weight 1½ Ounces" was incorrect.

On February 22, 1943, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

MISCELLANEOUS FOOD PRODUCTS

5571. Misbranding of baking powder. U. S. v. 12 Cases of Baking Powder, et al. Default decree of condemnation and destruction. (F. D. C. No. 9489. Sample No. 19940–F.)

This product was deficient in available carbon dioxide.

On March 10, 1943, the United States attorney for the District of Rhode Island filed a libel against 9 cases, each containing 24 1-pound cans, 12 cases, each containing 24 8-ounce cans, 72 individual 1-pound cans, and 121 individual 8-ounce cans, of baking powder, at Providence, R. I., alleging that the article had been shipped in interstate commerce on or about January 6, 1943, by the Goodman Products Corporation from Brooklyn, N. Y.; and charging that it was misbranded. The article was labeled in part: (Cans) "Silver Gift Brand * * * Baking Powder."

The article was alleged to be misbranded in that the name "Baking Powder," and the statements, "Complies with all U. S. Pure Food Laws * * * Directions—Use the same as any other high-grade Baking Powder, or in accordance with the recipes of any reliable cook book, and satisfactory results are guaranteed," borne on the label, were false and misleading as applied to an article that was deficient in available carbon dioxide and which, when used as any other baking powder, would not produce satisfactory results.

On April 21, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5572. Misbranding of Butex. U. S. v. 9 Drums, 13 Drums, and 2 Drums of Butex. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 10310. Sample No. 42464–F.)

This product was an imitation butter flavoring.

On August 13, 1943, the United States attorney for the Western District of Washington filed a libel against 9 drums, each containing 15 pounds, 13 drums, each containing 25 pounds, and 2 drums, each containing 100 pounds, of Butex, at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about May 7, 1943, by Weber & Mollner from Los Angeles, Calif.; and charging that it was misbranded.

The article was alleged to be misbranded (1) in that the label statements, "Master Brand The Original and Only Butex A Unique Flavor Essence for