

and in others of horseradish and parsnips. Misbranding was alleged further in that the article was an imitation of and was offered for sale under the distinctive name of another article. Certain lots of the article were alleged to be misbranded further 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.

On October 4 and October 31, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

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

29651. Misbranding of Marshak's Mixit. U. S. v. 46¾ Dozen Jars of Marshak's Mixit. Default decree of condemnation and destruction. (F. & D. No. 43879. Sample No. 26422-D.)

This product was labeled to indicate that it contained an appreciable amount of malted milk; whereas it was found to consist of a chocolate-flavored sugar and dextrose sirup, containing a very small amount of, if any, malted milk. The quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On or about September 15, 1938, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 46¾ dozen jars of Marshak's Mixit at Bridgeport, Conn.; alleging that the article had been shipped in interstate commerce on or about August 10, 1938, by Marshak Malt-molak Co., Inc., from Brooklyn, N. Y.; and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Marshak's Mixit * * * 19 oz. Net Avdp. Marshak Co., Brooklyn, N. Y."

Misbranding was alleged in that the statement on the label, "Contains Sugar, Cocoa and Malted Milk Chocolate Malted Milk," was false and misleading and tended to deceive and mislead the purchaser when applied to a mixture of sugar, dextrose, cocoa, and water, containing little or no malted milk. 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 and was not in terms of the largest unit.

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.*

29652. Adulteration of cauliflower. U. S. v. 497 Crates of Cauliflower. Default decree of condemnation and destruction. (F. & D. No. 44205. Sample No. 26587-D.)

This product was contaminated with arsenic.

On October 6, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 497 crates of cauliflower at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about September 25, 1938, by C. Taketa from Fir, Oreg.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Portland Rose Brand Cauliflower."

The article was alleged to be adulterated in that it contained an added poisonous ingredient, arsenic, which might have rendered it injurious to health.

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.*

29653. Adulteration of tullibeas. U. S. v. 11 Boxes of Tullibeas. Default decree of condemnation and destruction. (F. & D. No. 44209. Sample No. 13051-D.)

This product was infested with parasitic worms.

On October 10, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 11 boxes of tullibeas at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about October 4, 1938, by Booth Fisheries Corporation from Warroad, Minn.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Lake of the Woods Tullibeas."

It was alleged to be adulterated in that it consisted in part of a filthy animal substance and in that it consisted of portions of animals unfit for food.

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.*

29654. Adulteration and misbranding of horseradish. U. S. v. 15 Cases and 9 Cases of Horseradish. Default decrees of condemnation and destruction. (F. & D. Nos. 43091, 43092. Sample Nos. 25986-D, 25988-D.)

One lot of this product consisted largely of parsnip with little, if any, horseradish; the other lot consisted of horseradish and a considerable amount of parsnip.

On July 20, 1938, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 24 cases of horseradish at Brooklyn, N. Y.; alleging that the article had been shipped in interstate commerce in part on or about May 21, 1938, and in part on or about June 2, 1938, by the New Jersey Empire Pickle Works, Inc., from Newark, N. J.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Boyd Brand Prepared Horse Radish."

Adulteration of a portion was alleged in that parsnip had been mixed and packed with it so as to reduce or lower its quality, and had been substituted wholly or in part for the article. Adulteration of the remainder was alleged in that parsnip had been mixed with it so as to lower or reduce its quality, and in that horseradish and a considerable amount of parsnip had been substituted wholly or in part for the article. Adulteration of both lots was alleged in that the article had been mixed in a manner whereby inferiority was concealed.

The article was alleged to be misbranded in that the statement "Horse Radish" was false and misleading and tended to deceive and mislead the purchaser. Further misbranding was alleged in that the article was an imitation of and was offered for sale under the distinctive name of another article, horseradish.

On September 28, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

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

29655. Adulteration of flour. U. S. v. 18 Bags and 498 Bags of Flour. Default decrees of condemnation and destruction. (F. & D. Nos. 43593, 44025. Sample Nos. 9183-D, 38445-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 and on or about September 28, 1938, the United States attorneys for the Eastern District of Arkansas and the Southern District of Texas, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 18 bags of rye flour at Little Rock, Ark., and 498 bags of flour at Houston, Tex.; alleging that the article had been shipped by the Pillsbury Flour Mills Co., in part on or about June 15, 1938, from Portland, Oreg., and in part on or about July 9, 1938, from Springfield, Ill.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Pillsbury's Artex Dark Rye Flour," or "Pillsbury Blue Top Flour."

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

On September 30 and October 28, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

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

29656. Adulteration of dried prunes. U. S. v. 50 Cases of Dried Prunes (and three similar seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 43930, 43931, 43932, 44028. Sample Nos. 35482-D, 35485-D, inclusive, 35488-D, 35662-D.)

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

On September 23 and 29, 1938, the United States attorney for the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 839 cases of dried prunes at Boston, Mass.; alleging that the article had been shipped on or about August 4, 1938, by Rosenberg Bros. & Co. from Portland, Oreg.; and charging