

Scotch Fife, to weigh not less than 58 pounds to the measured bushel." It follows that a flour made in whole or in part from durum wheat should not be branded as being milled from "hard spring wheat." The flour in question appeared to be misbranded within the terms of section 8 of the act, and on January 17, 1908, the Secretary of Agriculture reported the facts to the United States attorney for the northern district of Illinois. A libel for seizure and condemnation in the nature of an information was filed by the United States attorney, under section 10 of the act, and the flour was seized by the United States marshal. The claimant, Seymour Carter, in answer, admitted that the product in question was made in part from durum wheat, and the branding as set forth in the libel, but denied that it was subject to confiscation under the food and drugs act. The court having been fully advised in the premises, and having heard the argument of counsel, adjudged the flour misbranded and upon the filing of a good and sufficient bond, in accordance with section 10 of the act, and under the provisions of the decree hereinbefore set forth, the goods were duly released to the claimant.

H. W. WILEY,
F. L. DUNLAP,
GEO. P. McCABE,

Board of Food and Drug Inspection.

Approved:

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *June 16, 1908.*

(N. J. 13.)

MISBRANDING OF FLOUR.

(As to place and manner of manufacture.)

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906, and of regulation 6 of the rules and regulations for the enforcement of the act, notice is given that on the 10th day of June, 1908, in the supreme court of the District of Columbia, in a proceeding of libel for condemnation of 240 sacks, more or less, of misbranded flour, that is to say, flour manufactured in Ohio and made from wheat grown in the same State, but which was labeled and branded "Paragon Minnesota Cream Roller Process," wherein the United States were libelants and the Orrville Milling Company of Orrville, Ohio, was claimant, the cause having come on for a hearing and the Orrville Milling Company having defaulted in fil-

ing answer, a decree of forfeiture and condemnation was rendered in substance and in form as follows:

In the Supreme Court of the District of Columbia.

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| UNITED STATES OF AMERICA <i>vs.</i> 240 SACKS OF FLOUR. | } | District Docket No. 771. |
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DECREE FOR CONDEMNATION.

On motion of Daniel W. Baker, esquire, attorney for the libelant, and it appearing to the court that upon the libel filed herein a warrant of arrest was duly issued and served on the 18th day of May, 1908, and that by virtue of the warrant the marshal has seized 200 $\frac{1}{2}$ sacks of flour branded as set out in the petition herein and inventoried as of the value of \$87.50, the said 200 $\frac{1}{2}$ sacks of flour having been consigned by the Orrville Milling Company, of Orrville, Ohio, from said Orrville, Ohio, to the Orrville Milling Company, at Washington, D. C., F. G. Swain and Son, Washington, D. C., to be notified, and now being stored in the custody of the said marshal, and it further appearing that the said Orrville Milling Company was duly warned to appear herein on the 8th day of June, 1908, and that due and legal notice and publication was ordered herein on the 26th day of May, 1908, and that such notice was given, and publication had, in conformity with the terms of said order, as appears by the proofs of publication of the Washington Star and the Washington Post, filed herein, notifying all other persons having any claim, right, or interest herein, to appear on the said day to answer the exigencies of the said libel, and the said Orrville Milling Company having defaulted in filing an answer to the said libel, but appearing herein through its attorney in fact and agent, Albert D. Brockett, consenting hereto, and no objection having been signified to the court, it is, this 10th day of June, 1908, ordered, adjudged, and decreed that the said 200 $\frac{1}{2}$ sacks of flour, with contents as aforesaid, labeled and branded "Paragon Minnesota Cream Roller Process. Sole Agent F. G. Swain and Son, Washington, D. C.," be, and they hereby are, declared to be misbranded in violation of the act of June 30, 1906, as charged in the said libel; and it is further ordered that the said 200 $\frac{1}{2}$ sacks of flour and the contents thereof be, and they hereby are, condemned and ordered to be disposed of by sale, as prayed for in the said libel and provided for in the said act of June 30, 1906. It is further ordered that the proceeds of said sale, less the legal costs and charges, shall be paid into the Treasury of the United States. It is provided, however, that upon payment of all the costs of the proceedings herein, including the cost of hauling, storage, watchman, publication, and all costs incidental to or contracted in these proceedings, and the execution and delivery by the said Orrville Milling Company to the libelant of a good and sufficient bond in the penalty of \$500, conditioned that the said 200 $\frac{1}{2}$ sacks of flour, with contents misbranded as aforesaid, shall not be sold or otherwise disposed of contrary to the provisions of the said act of June 30, 1906, the said marshal shall redeliver the said 200 $\frac{1}{2}$ sacks of flour to the said Orrville Milling Company or its agent, in lieu of disposing of them by sale as aforesaid, the said bond to be filed herein, if at all, on or before the 20th day of June, 1908.

(Signed)

JOB BARNARD,
Justice.

Filed July 10, 1908.

J. R. YOUNG, *Clerk.*

The case grew out of the following state of facts:

On or about May 14, 1908, an inspector of the Department of Agriculture found in a freight car in the District of Columbia 240 sacks, more or less, of flour consigned and shipped by the Orrville Milling Company, of Orrville, Ohio, to the Orrville Milling Company, Washington, D. C., F. G. Swain & Son, Washington, D. C., to be notified. The sacks of flour were labeled and branded "Paragon Minnesota Cream Roller Process;" whereas, in fact, the flour was neither grown nor manufactured in the State of Minnesota, and was not a product of the cream roller process, but was a flour manufactured at Orrville, Ohio, from wheat grown in the State of Ohio, and commonly known as "Ohio winter wheat."

On May 14, 1908, the facts were reported by the Secretary of Agriculture to the United States attorney for the District of Columbia, and libel for seizure and condemnation was duly filed with the supreme court of the District of Columbia under section 10 of the act. The claimant having failed to answer or show reason against seizure and confiscation by the United States for the causes stated in the libel, the court adjudged the flour misbranded, and upon the filing of a good and sufficient bond in accordance with section 10 of the act and under the provisions of the decree hereinbefore set forth, the goods were duly surrendered to the said claimant.

H. W. WILEY,

F. L. DUNLAP,

Board of Food and Drug Inspection.

Approved:

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., August 27, 1908.

(N. J. 14.)

MISBRANDING OF VANILLA EXTRACT.

(Imitation colored with caramel.)

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906, and of regulation 6 of the rules and regulations for the enforcement of the act, notice is given that on the 7th day of July, 1908, in the district court of the United States for the western division of the southern district of Ohio, in a criminal prosecution by the United States against Edwin A. Steinbock and Proctor D. Patrick, trading under the firm name of Steinbock & Patrick, for