

20723. Adulteration and misbranding of flour. U. S. v. 350 Sacks, et al., of Flour. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. nos. 29621, 29673, 29680, 29782. Sample nos. 21181-A, 21188-A, 21189-A, 21194-A, 21195-A, 21551-A.)

These cases involved interstate shipments of flour that was artificially bleached and which contained benzoyl peroxide or its residue, benzoic acid.

On December 13 and December 27, 1932, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States libels praying seizure and condemnation of 770 sacks of flour at New York, N. Y. On December 23, 1932 and January 27, 1933, the United States attorney for the District of New Jersey filed libels against 994 sacks of flour at Jersey City, N. J. The libels charged that the article had been shipped in interstate commerce in various shipments between the dates of October 14, 1932 and November 20, 1932, by the Atkinson Milling Co., from Minneapolis, Minn.; that it had been transported from the State of Minnesota into the States of New York and New Jersey, and that it was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled, variously: "Atkinson's * * * Spartan Bakers"; "Atkinson's Strongheart"; "Atkinson's High Gluten Made from Choice Spring Wheat."

It was alleged in the libels that the article was adulterated in that artificially bleached flour containing benzoyl peroxide or its residue, benzoic acid, had been substituted for the article.

Misbranding was alleged with respect to portions of the article for the reason that the statements on the labels, "Atkinson's 140 Lbs. Spartan Bakers Patent Flour Made in Minneapolis, U. S. A.", "Atkinson's 140 Lbs. Strongheart Flour Made in Minneapolis, U. S. A.", and "Made from Choice Spring Wheat", were false and misleading and deceived and misled the purchaser. Misbranding was alleged with respect to portions for the reason that it was offered for sale under the distinctive name of another article.

Jacques A. Davis appeared in all the cases as agent for the Atkinson Milling Co., admitted the allegations of the libels, and consented to the entry of decrees. On January 16, 19, and 21, and February 17, 1933, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the claimant, upon payment of costs and the execution of bonds totaling \$5,000, conditioned that it be relabeled by stenciling on the sacks, "Bleached with Benzoyl Peroxide."

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20724. Adulteration of black walnut meats. U. S. v. 1 Barrel of Black Walnut Meats. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29323. Sample no. 2460-A.)

This case involved a shipment of black walnut meats, samples of which were found to be rancid.

On November 23, 1932, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of one barrel of black walnut meats, remaining in the original unbroken packages at Denver, Colo., consigned by the General Nut Co., Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about September 24, 1932, from Kansas City, Mo., to Denver, Colo., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed and putrid vegetable substance.

On February 13, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20725. Adulteration of frozen loganberries. U. S. v. 50 Boxes of Frozen Loganberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29689. Sample no. 30748-A.)

This action involved an interstate shipment of frozen loganberries that were worm-infested and in part worm-eaten.

On December 28, 1932, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed

in the District Court of the United States a libel praying seizure and condemnation of 50 boxes of frozen loganberries, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped in interstate commerce, on or about December 21, 1932, by the S. A. Moffett Co., from Seattle, Wash., to San Francisco, Calif., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On January 25, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*