

Act. The article was labeled in part: (Jar) "Mt. Vernon Brand Apple Butter National Fruit Product Company, Incorporated, Washington, D.C."

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 June 15, 1933, the claimant having decided not to contest the action, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

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

**21078. Adulteration and misbranding of flour. U. S. v. 140 Sacks of Flour. Default decree entered. Product ordered delivered to unemployed. (F. & D. no. 30411. Sample no. 2996-A, 22022-A.)**

This case involved a shipment of flour that was artificially bleached and was not labeled to indicate the fact.

On May 5, 1933, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 140 sacks of flour at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce, on or about January 23, 1933, by Larabee Flour Mills Co., from Clinton, Mo., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "10 Lbs. Savage Diamond Quality Cake Flour M. W. Savage Factories, Inc., Minneapolis, Minn."

It was alleged in the libel that the article was adulterated in that chlorine had been mixed and packed with the article so as to reduce, lower, and injuriously affect its quality, and for the further reason that artificially bleached flour containing added chlorine had been substituted for cake flour.

Misbranding was alleged for the reason that the statement "Cake Flour" was false and misleading and deceived and misled the purchaser, when applied to artificially bleached flour. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On June 21, 1933, no claim or appearance having been entered, and the court having found that the flour, while not complying with the requirements of the Food and Drugs Act, was fit for human consumption, judgment was entered ordering that it be delivered to an organization of the unemployed.

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

**21079. Misbranding of apple butter. U. S. v. 89 Cases of Apple Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30485. Sample no. 33666-A.)**

This case involved an interstate shipment of a quantity of apple butter, samples of which were found to be short weight.

On May 19, 1933, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 89 cases of apple butter at New Orleans, La., alleging that the article had been shipped on or about March 1, 1933, by the Lippincott Co., from Cincinnati, Ohio, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Jars) "2 Lb. 3 Oz. Net Alameda Brand Apple Butter. Boone Products Corp. Cincinnati, O."

It was alleged in the libel that the article was misbranded in that the statement "2 Lb. 3 Oz. Net" was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the food was in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was incorrect.

On June 22, 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.

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

**21080. Adulteration and misbranding of butter. U. S. v. Sugar Creek Creamery Co. Plea of nolo contendere. Fine, \$75. (F. & D. no. 30159. Sample no. 20332-A.)**

This action was based on an interstate shipment of butter, samples of which were found to be deficient in milk fat, since they contained less than 80 percent by weight of milk fat, the standard provided by act of Congress.