

Maple Sugar & Maple Syrup Co., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed and putrid vegetable substance.

On November 18, 1937, no claimant having appeared, judgment of condemnation and order of destruction was entered.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28176. Adulteration of flour. U. S. v. 200 Sacks of Flour. Decree of condemnation. Product released under bond for segregation and denaturing of unfit portion.** (F. & D. No. 40265. Sample No. 53343-C.)

This product was weevil-infested.

On September 9, 1937, 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 200 sacks of flour at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about July 27, 1937, by the G. B. R. Smith Milling Co. from Sherman, Tex., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "G. B. R. Smith Milling Co. Sherman Texas Challenge Flour."

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

On October 15, 1937, John E. Koerner & Co., New Orleans, La., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that the bad be separated from the good, if any, and that the former be denatured so that it could not be used for human consumption, but that it might be used as animal feed.

HARRY L. BROWN, *Acting Secretary of Agriculture*

**28177. Misbranding of preserves. U. S. v. 6 Cases, et al., of Preserves. Decree of condemnation. Products released under bond to be relabeled.** (F. & D. No. 40159. Sample Nos. 15747-C to 15750-C, incl., 43601-C.)

These products were short of the declared weights.

On or about August 23, 1937, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure of 266 cases of preserves at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about June 3 and 8, and July 2, 1937, by G. W. Bagwell from Chattanooga, Tenn., and charging misbranding in violation of the Food and Drugs Act as amended. The products were variously labeled in part: "G-W Preserves Apricot [or "Blackberry," "Peach," "Raspberry," or "Strawberry"] Net Wt. 16 Ozs. Packed By G. W. Bagwell Chattanooga, Tennessee."

The articles were alleged to be misbranded in that the statement "Net Wt. 16 Ozs." was false and misleading and tended to deceive and mislead the purchaser when applied to articles that were short weight; they were alleged to be misbranded further in that they were food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the packages since the quantity stated was not correct.

On October 4, 1937, G. W. Bagwell, having appeared as claimant, judgment of condemnation was entered ordering release of the products to claimant under bond conditioned that they be relabeled.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28178. Misbranding of canned tomatoes. U. S. v. 199 Cases of Tomatoes. Default decree of condemnation. Product delivered to a welfare agency.** (F. & D. No. 40161. Sample No. 44029-C.)

This product was falsely branded as to the State in which it was manufactured.

On or about August 25, 1937, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 199 cases of canned tomatoes at Jacksonville, Fla., alleging that the article had been shipped in interstate commerce on or about July 15, 1937, by Manatee Cannery, Inc., from Beaufort, S. C., and charging misbranding in violation of the Food and Drugs Act. The product was labeled in part: (Cans) "Pine Tree Brand \* \* \* Tomatoes \* \* \* packed by Manatee Cannery, Inc. Plant City Florida."

The article was alleged to be misbranded in that the statement "Packed By Manatee Cannery, Inc. Plant City Florida" was false and misleading when applied