

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.

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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