

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since there was present more than 1 cherry pit per 20 ounces of net contents, and its package or label did not bear a plain and conspicuous statement indicating that it fell below such standard.

On December 23, 1938, the Producers Canning Co., claimant, having admitted the allegations of the libel, the court ordered the product released under bond conditioned that it be relabeled in compliance with the law.

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

**29970. Adulteration of flour. U. S. v. 18 Bags of Flour (and 1 other seizure action against the same product). Default decrees of condemnation and destruction.** (F. & D. Nos. 43871, 44248. Sample Nos. 29168-D, 33957-D, 33958-D, 33959-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

On September 14 and October 28, 1938, the United States attorneys for the Eastern District of Virginia and the Northern District of Georgia, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 48 bags of flour at Norfolk, Va., and 66 bags of flour at Atlanta, Ga.; alleging that the article had been shipped in part by the Pillsbury Flour Co. from Memphis, Tenn., on or about February 25, 1938, and in part by the Pillsbury Flour Mills Co. from Minneapolis, Minn., on or about July 15, 1938; and charging adulteration in violation of the Food and Drugs Act. The article was labeled variously: "Pure Cracked Rye" "Pillsbury's Pure White Rye Flour" "Coarse Pillsbury's Pumpernickel Flour." The remainder was labeled: "Guaranteed Country Life Family Flour \* \* \* Packed For Unity Mills Distributing Company \* \* \* Minneapolis, Minnesota."

Adulteration was alleged in that the article consisted in whole or in part of a filthy vegetable substance.

On November 11 and 19, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

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

**29971. Adulteration of flour. U. S. v. 191 Sacks of Flour. Consent decree of condemnation. Product released under bond to be denatured.** (F. & D. No. 44079. Sample No. 32308-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

On October 10, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 191 sacks of flour at Chicago, Ill.; alleging that the article had been shipped on or about March 5, 1938, by the Rodney Milling Co. from Kansas City, Mo.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Mid City Strong Clear Made For Mid City Flour Co. Chicago, Ill."

Adulteration was alleged in that the article consisted wholly or in part of a filthy vegetable substance.

On December 30, 1938, the Mid City Flour Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be denatured and disposed of in a manner other than for human consumption.

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

**29972. Adulteration of rye flour. U. S. v. 92 Sacks of Flour. Default decree of condemnation and destruction.** (F. & D. No. 44078. Sample No. 32306-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

On October 10, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 92 sacks of flour at Chicago, Ill.; alleging that the article had been shipped on or about May 6, 1938, by the New Richmond Roller Mills Co. from New Richmond, Wis.; and

charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Kerns Pure Medium Rye J B A Kern and Sons Milwaukee Wis."

Adulteration was alleged in that the article consisted wholly or in part of a filthy vegetable substance.

On November 29, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

**29973. Adulteration of flour. U. S. v. 50 Bags of Flour. Default decree of condemnation and destruction.** (F. & D. No. 43848. Sample No. 33956-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

On September 13, 1938, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 bags of flour at Norfolk, Va.; alleging that the article had been shipped on or about June 29, 1938, by Ballard & Ballard Co., Inc., from Louisville, Ky.; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that the article consisted in whole or in part of a filthy vegetable substance.

On November 3, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

**29974. Adulteration and misbranding of flour. U. S. v. 1,100 Bags of Flour. Consent decree of condemnation. Product released under bond to be disposed of as animal feed.** (F. & D. No. 43561. Sample No. 38120-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination was found to be insect-infested. It also had been bleached but was not so labeled.

On August 29, 1938, the United States attorney for the Southern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,100 bags of flour at Mobile, Ala.; alleging that the article had been shipped within the period from on or about November 24, 1937, to on or about February 23, 1938, by the Sperry Flour Co. from Tacoma, Wash.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration was alleged in that the article consisted wholly or in part of a filthy vegetable substance. Further adulteration was alleged in that bleached flour had been substituted wholly or in part for natural flour.

Misbranding was alleged in that the statement, "Gold Medal Flour Company (trade name) Southeastern Division of General Mills, Inc. Eighteen," was false and misleading and tended to deceive and mislead purchasers when applied to an article which was bleached flour.

On September 2, 1938, General Mills, Inc., filed a claim and answer admitting all allegations of the libel with the exception of the one that the article was adulterated because bleached flour had been substituted for natural flour, which allegation claimant denied. On September 3, 1938, the court entered a judgment of condemnation, and the product was ordered released to the claimant under bond conditioned that it be used as animal feed or for some purpose other than human consumption.

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

**29975. Adulteration of candy. U. S. v. 9 Boxes and 12 Boxes of Candy. Default decrees of condemnation and destruction.** (F. & D. Nos. 43522, 43621, 43622. Sample Nos. 23786-D, 23942-D, 37703-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages, at the time of examination, was found to be insect-infested.

On or about August 31 and September 8, 1938, the United States attorneys for the Southern District of Texas and the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the district courts libels praying seizure and condemnation of 9 boxes of candy at Galveston, Tex., and 12 boxes of candy at Thibodaux, La.; alleging that the product had been shipped within the period from January 19 to March 23, 1938, by Henry Heide,