

1938, from the State of New York into the State of New Jersey, of quantities of horseradish which was adulterated and misbranded.

The article was alleged to be adulterated in that a substance other than horseradish, namely, a mixture of ground turnip or ground parsnip, containing cornstarch and mustard oil, had been substituted for horseradish, which it purported to be.

A portion of the article was alleged to be misbranded in that the statement "Horseradish," borne on the jar label, was false and misleading and was borne on said label so as to deceive and mislead the purchaser, since the article did not consist of horseradish, but did consist of a substance other than horseradish, namely, a mixture of ground turnip or ground parsnip, containing cornstarch and mustard oil. Further misbranding of the said portion was alleged in that it was an imitation of horseradish, and was offered for sale and sold under the name of another article, namely, horseradish. Both lots were alleged to be misbranded in that the article was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package.

On June 27, 1939, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$50 on count 1 of the information, and ordered that imposition of sentence be suspended on the remaining 4 counts. The defendant was placed on probation for 60 days.

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

30773. Adulteration and misbranding of wheat gray shorts and screenings. U. S. v. Mrs. Harriet E. Hacker, William T. Hacker, Mrs. Charles F. Sprague, Jr., and Mrs. George Crist (Hacker Flour Mills). Plea of guilty. Fine, \$60 and costs. (F. & D. No. 42719. Sample Nos. 3914-D, 3915-D.)

Wheat brown shorts and screenings had been substituted in whole or in part for this product. It contained more crude fiber than declared on the tags.

On May 8, 1939, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Mrs. Harriett E. Hacker, William T. Hacker, Mrs. Charles F. Sprague, Jr., and Mrs. George Crist, trading as Hacker Flour Mills, Jefferson, Okla., alleging shipment by said defendants in violation of the Food and Drugs Act on or about November 10 and 22, 1938, from the State of Oklahoma into the State of Texas of quantities of a product labeled "wheat gray shorts and screenings" which was adulterated and misbranded.

The article was alleged to be adulterated in that wheat brown shorts and screenings had been substituted in whole or in part for wheat gray shorts and screenings.

It was alleged to be misbranded in that the statements "Wheat Gray Shorts and Screenings" and "Crude Fiber not more than 6.00 Percent," borne on the tag, were false and misleading and were borne on the tag so as to deceive and mislead the purchaser, since the article consisted of wheat brown shorts and screenings and it contained more than 6 percent of crude fiber, the two shipments having been found to contain 7.59 percent and 7.48 percent, respectively, of crude fiber.

On May 11, 1939, a plea of guilty having been entered, the court imposed a fine of \$60 and costs.

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

30774. Adulteration of flour. U. S. v. 200 Bags, 200 Bags, and 581 Sacks of Flour. Product ordered released under bond conditioned that portion found unfit for human consumption be disposed of for duck feed or for technical purposes. (F. & D. Nos. 45394, 45438. Sample Nos. 44298-D, 44299-D, 44300-D.)

This product had been shipped in interstate commerce by boat from Seattle, Wash., to Newark, N. J., at which port it was substantially damaged, the result of a fire in the hold of the ship. When examined the product was found to be water-soaked, and some bags were charred and covered with a black oily substance.

On May 23 and June 2, 1939, the United States attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 981 sacks of flour remaining unsold and in the original packages at Newark, N. J.; alleging that the article had been shipped on or about February 25, 1939, by Centennial

Flouring Mills Co. from Seattle, Wash.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Centennial Gold Drop Flour" or "Centennial Pandora Flour."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On June 30, 1939, the cases having been consolidated and S. A. Wald & Co., Inc., claimant, having admitted that the product consisted in part of a decomposed vegetable substance, judgment was entered ordering that the product be released under bond conditioned in part that the portion found unfit for human consumption be denatured and disposed of for duck feed or for technical purposes.

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

30775. Adulteration and misbranding of lemon juice; and misbranding of orange juice, Cherry Flow, and Loganberry Flow. U. S. v. 20 Cases of Orange Juice (and 5 other actions against similar products). Default decrees of condemnation. Lots not adulterated ordered delivered to charitable institutions. Adulterated lots ordered destroyed. (F. & D. Nos. 45207 to 45213, inclusive. Sample Nos. 59834-D, 59835-D, 59837-D, 59838-D, 59839-D, 60601-D, 60602-D.)

Two of the three lots of lemon juice contained enamel lining from the container; 1 lot also contained added water. The labeling of all three lots of lemon juice and the lot of orange juice bore false and fraudulent curative and therapeutic claims. The Cherry Flow and Loganberry Flow were labeled to indicate that they consisted essentially of fruit juices; whereas the former contained approximately 10 percent of cherry juice and the latter contained approximately 20 percent of loganberry juice, and the misleading impression created by the labeling was not corrected by the word "diluted" appearing inconspicuously on the label.

On April 19, 1939, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 20 cases of orange juice, 10 cases of Cherry Flow, 10 cases of Loganberry Flow, and 89 cases of lemon juice at New York, N. Y.; alleging that the articles had been shipped in interstate commerce within the period from on or about March 21, 1937, to on or about November 12, 1937, from Los Angeles, Calif., or Detroit, Mich., with the exception of one lot, all shipments having been made by Pure Foods Corporation (one shipment in the name of the Coast Fishing Co.); and charging misbranding of all lots and adulteration of two of the three lots of lemon juice in violation of the Food and Drugs Act as amended. The articles were labeled in part: "Golden Flow Brand * * * Pure Foods Corp. Los Angeles, Calif."

One of the three lots of lemon juice was alleged to be adulterated in that enamel lining from the container had been substituted in part for the article. Another of the said lots was alleged to be adulterated in that enamel lining from the container had been substituted in part for the article. and in that water had been mixed and packed with it so as to reduce or lower its quality or strength; in that a mixture of citrus juice and water had been substituted for lemon juice, which it purported to be; and in that it was mixed in a manner whereby inferiority was concealed.

The orange and lemon juices were alleged to be misbranded in that the following statements in the labeling were statements regarding their curative or therapeutic effects and were false and fraudulent: (Orange juice) "Helps to combat germ infection of the mucous membranes. Of particular value in combating acidosis. Stimulates appetite and growth. Prevents scurvy. Nature's aid in obtaining the alkaline balance"; (lemon juice) "Repels nerve inflammation. Of special value in southern climates to combat disease. An aid to Beauty and Health of skin and scalp when applied externally." One lot of lemon juice was alleged to be misbranded further in that the statement "Pure Lemon Juice Pure Fruit Acid Added" was false and misleading and tended to deceive and mislead the purchaser when applied to an article which contained a material proportion of added water and in which there was present but a small amount of lemon juice. The Cherry Flow and Loganberry Flow were alleged to be misbranded in that the following statements, "Pure Red Cherry Flow * * * A Pure Juice Beverage made from the genuine Red Cherry," and "Pure Loganberry Flow * * * A pure Juice Beverage