

On April 6, 1942, judgment of condemnation was entered and the product was ordered released under bond to the Nelson Canning Co., claimant, conditioned that it be brought into compliance with the law under the supervision of the Federal Security Agency.

**3002. Adulteration and misbranding of grape punch base. U. S. v. 36 Cases of Grape Punch Base. Default decree of condemnation and destruction. (F. D. C. No. 6371. Sample Nos. 61092-E, 85530-E.)**

This product was an artificially flavored and artificially colored imitation grape punch base containing less than 5 percent of grape juice or its equivalent in concentrated form. It was also short of the declared volume and misbranded further as indicated hereinafter.

On December 12, 1941, the United States attorney for the Western District of Washington filed a libel against 36 cases of grape punch base at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about July 9, 1940, by the E. A. Silzle Corporation, from Anaheim, Calif.; and charging that it was adulterated and misbranded. The article was labeled in part: "Citra-Gold 5 to 1 Grape Punch Base."

It was alleged to be adulterated in that a substance, namely, an artificially flavored and artificially colored imitation grape punch base which did not contain a substantial amount of grape juice or concentrated grape juice, had been substituted wholly or in part for "Grape Punch Base," an article containing a substantial amount of grape juice or concentrated grape juice; in that its inferiority had been concealed by the addition of artificial flavor and artificial color; and in that artificial flavor and artificial color had been added thereto so as to reduce its quality and make it appear better or of greater value than it was.

It was alleged to be misbranded in that the design of a cluster of grapes and the statements, "Grape Punch Base \* \* \* Concentrated Concord Grape Juice \* \* \* Grape Flavor \* \* \* grape punch," borne on the label, were false and misleading as applied to an artificially flavored and artificially colored imitation grape punch base containing little or no grape juice or concentrated grape juice; in that the statement "Net Contents 5 $\frac{3}{4}$  Fl. Oz." was false and misleading since it was incorrect; in that it was offered for sale under the name of another food, namely, "Grape Punch Base"; in that it was an imitation of another food, namely, grape punch base, and its label did not bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated; in that it was in package form and did not bear an accurate statement of the quantity of the contents; and in that it contained artificial flavoring and failed to bear labeling stating that fact.

On March 30, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3003. Adulteration of chocolate-flavored sirup. U. S. v. 55 Cases of Chocolate-Flavored Sirup. Default decree of condemnation and destruction. (F. D. C. No. 6085. Sample No. 22685-E.)**

This product contained rodent hairs.

On October 28, 1941, the United States attorney for the District of Oregon filed a libel against 55 cases of chocolate-flavored sirup at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about September 13, 1941, by L. De Martini Co. from San Francisco, Calif.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. It was labeled in part: (Cans) "Delux Pak Double Strength Chocolate Flavored Syrup."

On March 23, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

## CEREAL PRODUCTS

### FLOUR

**3004. Adulteration of flour. U. S. v. 211 Bags and 374 Bags of Flour (and 6 other seizure actions against flour). Decrees of condemnation. Portions of product ordered released under bond to be reconditioned; remainder ordered destroyed. (F. D. C. Nos. 5359, 5374, 5382, 5604, 5625, 5904, 5917. Sample Nos. 48508-E, 48710-E, 49194-E, 49195-E, 49664-E to 49667-E, incl., 67412-E to 67415-E, incl., 67652-E.)**

In addition to being insect-infested, portions of this product also contained rodent hairs. The flour in two lots had been stored under insanitary condi-

tions. Most of the bags in one of these lots had been cut into by rodents, and rodent pellets were found on and around the bags in the other lot.

Between August 4 and October 2, 1941, the United States attorneys for the Southern District of Alabama, Eastern District of Louisiana, Eastern District of South Carolina, Eastern District of Arkansas, and the Southern District of Florida filed libels against the following quantities of flour—585 24-pound bags at Mobile, Ala.; 160 6-pound sacks, 146 10-pound sacks, 44 12-pound sacks, and 59 20-pound sacks at Baton Rouge, La.; 55 48-pound bags at Marion, S. C.; 48 98-pound bags and 68 48-pound bags at Little Rock and 12 98-pound bags at Searcy, Ark.; and 68 98-pound bags at St. Petersburg, Fla.; alleging that the article had been shipped within the period from on or about February 28 to on or about August 25, 1941, by General Mills, Inc., from Kansas City, Mo., Wichita Falls, Tex., Louisville, Ky., and Oklahoma City and El Reno, Okla.; and charging that it was adulterated. It was labeled in part: (Bags) "Lucky Boy Flour," "Red Star Flour \* \* \* Self Rising," "Pure Gold \* \* \* Self-Rising Flour," "Gold Medal Flour," "Soft Wheat Snow Cap Flour," "Money Maker \* \* \* Gold Medal Flour," "Bonnie Mae \* \* \* Phosphated Flour," "Potent Strong Bakers Clear Flour Bleached," or "Full Strength Gold Medal Flour."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance. Portions were alleged to be adulterated further in that the flour had been held under insanitary conditions whereby it might have become contaminated with filth.

On October 3, 1941, no claimant having appeared for the lot seized at Mobile, judgment of condemnation was entered. The court having found that the product could be manufactured into hog feed and that a reasonable price had been offered for it, ordered that it be sold on condition that the purchaser execute a bond conditioned that it be disposed of in compliance with the law under the supervision of the Food and Drug Administration, and that he pay the costs of the proceedings. On October 4, 1941, the Tropical Grocery Co., St. Petersburg, Fla., claimant for the flour seized at St. Petersburg, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be denatured and disposed of as animal feed under the supervision of the Food and Drug Administration. Between September 25 and December 8, 1941, no claimant having appeared for the remaining lots, judgments of condemnation were entered and they were ordered destroyed.

**3005. Adulteration of cake and pastry flour. U. S. v. 48 Bags of Cake and Pastry Flour. Default decree of condemnation and destruction.** (F. D. C. No. 6729. Sample No. 84237-E.)

This product was contaminated with insect fragments and rodent excreta.

On January 21, 1942, the United States attorney for the Southern District of New York filed a libel against 48 98-pound bags of cake and pastry flour at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about January 8, 1942, by H. K. Riegel (Durham Valley Mills Co.) from Durham, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Colonial Country Maid Cake & Pastry Flour."

On February 3, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

Nos. 3006 to 3015 report the seizure and disposition of flour that had been shipped in interstate commerce and was in interstate commerce at the time of examination, at which time it was found to be insect-infested. In most instances the time of contamination was not determined.

**3006. Adulteration of flour. U. S. v. 225 Bags of Flour. Default decree of condemnation and destruction.** (F. D. C. No. 5654. Sample Nos. 67446-E to 67448-E, incl.)

On September 11, 1941, the United States attorney for the Western District of Arkansas filed a libel against 225 24-pound bags of flour at Arkadelphia, Ark., alleging that the article had been shipped in interstate commerce on or about May 21 and 25, 1941, by the Fant Milling Co. from Sherman, Tex.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, i. e., insect-infested, substance. The article was labeled in part: "Missouri Special [or "Gladiola"] Flour."