prevents proper operations as effectually as improper ones. Criminal convictions for commercial carelessness are rare, and the maximum penalty on conviction under the local acts is a fine of $300 or imprisonment for 90 days.[6] An injunction is a relatively simple matter and carries with it a prospect of contempt proceedings if the forbidden acts are continued.

"We conclude that the provisions of the Federal Act which are involved in this case are not closely paralleled by local law. But even if they were, it would not follow that the local law would supersede the federal instead of supplementing it.[7] When a subject is covered both by a general law which does not mention the District of Columbia and by a local law which provides expressly for the District, a question may arise as to whether Congress did or did not have the District in mind in enacting the general law.[8] But when a general law expressly mentions the District, as the Federal Food, Drug, and Cosmetic Act does, it can hardly be contended that Congress did not have the District in mind when it passed the law.[9] Congress has 'followed its usual policy of extending legislation based on the commerce power to the same substantive acts taking place wholly within the District.'[10] And in order to preclude any possibility that the local act of 1941, 'To prevent the sale of unwholesome food in the District of Columbia,' might be interpreted as exclusive, Congress expressly provided that the local Act 'shall in no respect be considered as a repeal of any of the provisions of the Federal Food, Drug, and Cosmetic act, but shall be construed as supplemental thereto.'[11] Congress could hardly have expressed more clearly its continuing intention that all provisions of the Federal Act should be enforced, in accordance with their terms, in the District of Columbia. The Commissioners of the District, as *amici curiae* in the present proceeding, express the opinion that the public will be best protected by the combined efforts of the federal and the District food inspection services. Congress appears to have taken the same view."

"Affirmed."

Subsequent inspections having indicated that the defendant was operating in compliance with the law, a precipe signed by the parties was filed on November 19, 1947, agreeing to the dissolution of the injunction.

15802. Misbranding of pretzels. U. S. v. 50 Boxes * * *. (F. D. C. No. 23158. Sample No. 66541–H.)

LIBEL FILED: On or about June 4, 1947, District of New Jersey.

ALLEGED SHIPMENT: On or about April 23, 1947, by Bachman Bakeries, Inc., from Reading, Pa.

PRODUCT: 50 boxes, each containing 12 12-ounce cartons, of pretzels at Margate City, N. J. Each carton contained 1 wax paper bag of the product.

LABEL, IN PART: (Carton) "Bachman Oven Fresh Extra Thin Pretzels Net Weight 12 Ounces."

NATURE OF CHARGE: Misbranding, Section 403 (d), the container was so filled as to be misleading since the bag of pretzels in the carton occupied only about 65 percent of the volume of the carton.

DISPOSITION: January 27, 1950. The shipper having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be destroyed.

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[6] D. C. Code, §§ 22–3421, 47–2347.

[7] *Nuckols* v. *United States*, 69 App. D. C. 120, 99 F. 2d 353. Cf. *Page* v. *Burnstine*, 102 U. S. 664.

[8] *Johnson* v. *United States*, 225 U. S. 405, 413, 32 S. Ct. 748, 56 L. Ed. 1142; *Kleindienst* v. *United States*, 48 App. D. C. 190, 202; *O'Brien* v. *United States*, 69 App. D. C. 135, 99 F. 2d 368.

[9] *United States* v. *Beach*, 324 U. S. 193.

[10] *Ibid.*, p. 195. The Pure Food and Drugs Act of 1906, 34 Stat. 768, was repeatedly held to be applicable, according to its terms, to local activity in the District. *Galt* v. *United States*, 39 App. D. C. 470; *Dade* v. *United States*, 40 App. D. C. 94. It was also held to supersede certain provisions of an earlier local law. *District of Columbia* v. *Coburn*, 35 App. D. C. 324.

[11] D. C. Code, § 22–3422.

FLOUR

Nos. 15803 to 15806 report actions involving flour that was insect- or rodent-infested, or both. (In those cases in which the time of contamination was known, that fact is stated in the notice of judgment.)

15803. Adulteration of self-rising flour and phosphated flour. U. S. v. 351 Bags, etc. (F. D. C. No. 28256. Sample Nos. 63728–K to 63731–K, incl.)

LIBEL FILED: On or about November 5, 1949, Northern District of Florida.

ALLEGED SHIPMENT: On or about March 23, April 30, June 9, and July 27, 1949, from Hutchinson, Kans.

PRODUCT: 351 25-pound bags and 120 10-pound bags of self-rising flour and 50 25-pound bags of phosphated flour at Blountstown, Fla.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: December 21, 1949. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use as stock feed.

15804. Adulteration of self-rising flour. U. S. v. 144 Bags, etc. (F. D. C. No. 28252. Sample Nos. 63795–K, 63796–K.)

LIBEL FILED: November 1, 1949, Northern District of Georgia.

ALLEGED SHIPMENT: On or about February 21, 1949, from Trenton, Ill.

PRODUCT: 144 25-pound bags and 17 50-pound bags of self-rising flour at Atlanta, Ga.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: January 13, 1950. The Fulton Feed & Grocery Co., Atlanta, Ga., claimant, having consented to the entry of a decree, judgment was entered providing for the release of the product under bond for segregation and conversion of the unfit portion into stock feed, under the supervision of the Federal Security Agency. On January 30, 1950, all of the product was denatured for use as animal feed.

15805. Adulteration of cake and pastry flour. U. S. v. 200 Bags * * *. (F. D. C. No. 28238. Sample Nos. 57311–K, 57312–K.)

LIBEL FILED: October 27, 1949, Eastern District of New York.

ALLEGED SHIPMENT: On or about September 16, 1949, by Weisheimer Brothers, from Columbus, Ohio.

PRODUCT: 400 100-pound bags of cake and pastry flour at Brooklyn, N. Y.

LABEL, IN PART: "Softlite Extra Fancy Cake Flour" and "Soft Wheat White Velvet Pastry Flour."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, insect fragments, and rodent hair fragments; and, Section 402 (a) (4), it had