

of 'Plantation' blackstrap molasses, such book constituted 'labeling' for the article as defined in the Act, when the article was introduced into, while in, and while held for sale after shipment in interstate commerce.

"The publisher, concededly not a party to the plan of distribution and having no connection with Nature Food Centres in the marketing of molasses, claims that the Act provides no authority for the seizure and condemnation of its books as 'printed matter accompanying' an article. I can see no warrant in reason for such a narrow construction of Section 334 of the Act nor do I find any authoritative decisions indicating that the seizure provisions of the Act should be so circumscribed.

"The publisher further claims that to construe the publisher's book as 'labeling' of 'Plantation' blackstrap molasses would violate the publisher's right of freedom of the press under the Federal Constitution, and that this summary seizure of copies of the book as 'labeling' of a commercial product violates the constitutional guarantee of freedom of the press. The Administrator by resorting to the seizure provisions of the Act does not undertake to interfere with the publication or circulation of the publisher's book. The seizure has not interfered with the bona fide sale of the book. The publisher may continue to sell its books wherever it finds a market, even in food stores, and even in stores where 'Plantation' blackstrap molasses is sold. The seizure relates not to books offered for bona fide sale but to copies of the book claimed to be offending against the Act by being associated with the article 'Plantation' Blackstrap Molasses in a distribution plan in such a way as to misbrand the product.

"Motion denied. It is hereby so ordered."

On September 10, 1951, the claimant having failed to pursue the matter further, judgment of condemnation was entered and the court ordered that the property, consisting of the molasses and the copies of the book under seizure, be distributed to various charitable organizations.

## CEREALS AND CEREAL PRODUCTS

### FLOUR

**17853. Adulteration of flour. U. S. v. 170 Sacks \* \* \*. (F. D. C. No. 31435. Sample No. 29862-L.)**

**LIBEL FILED:** July 12, 1951, Western District of Washington.

**ALLEGED SHIPMENT:** On or about June 9, 1951, from Great Falls, Mont.

**PRODUCT:** 170 100-pound sacks of flour at Seattle, Wash.

**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:** July 23, 1951. The Montana Flour Mills Co., Great Falls, Mont., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for conversion into stock feed, under the supervision of the Federal Security Agency.

**17854. Adulteration of flour. U. S. v. 140 Bags \* \* \*. (F. D. C. No. 31445. Sample Nos. 12238-L, 12241-L.)**

**LIBEL FILED:** July 24, 1951, Southern District of Ohio.

**ALLEGED SHIPMENT:** On or about April 24, 1951, from Minneapolis, Minn.

**PRODUCT:** 140 100-pound bags of flour at Cincinnati, Ohio.

**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 and rodent hairs. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** August 24, 1951. The Russell-Miller Milling Co., Minneapolis, Minn., claimant, having admitted the truth of the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond for denaturing and conversion into foundry molds, under the supervision of the Federal Security Agency.

### MISCELLANEOUS CEREALS AND CEREAL PRODUCTS

**17855. Adulteration of bran. U. S. v. 40 Bags \* \* \*. (F. D. C. No. 31441. Sample No. 28525-L.)**

**LIBEL FILED:** July 23, 1951, Northern District of California.

**ALLEGED SHIPMENT:** On or about May 17, 1951, from Billings, Mont.

**PRODUCT:** 40 50-pound bags of bran at San Francisco, Calif., in possession of the Coast Dakota Flour Co., Inc.

**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 rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** August 22, 1951. Default decree of condemnation and destruction.

**17856. Adulteration of rice. U. S. v. 39 Bags, etc. (and 1 other seizure action). (F. D. C. Nos. 31397, 31405. Sample Nos. 3768-L to 3772-L, incl.)**

**LIBELS FILED:** On or about July 24 and 30, 1951, District of Maryland.

**ALLEGED SHIPMENT:** On or about February 12 and 21, 1951, from Crowley, La.

**PRODUCT:** 585 100-pound bags of rice at Baltimore, Md., in possession of Camden Warehouses, Inc.

**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 rodent urine and rodent pellets; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. (The product was stored under insanitary conditions after shipment in interstate commerce.)

**DISPOSITION:** August 28, 1951. The American Rice Growers Cooperative Assn., claimant, having admitted the material allegations of the libel, judgments of condemnation were entered and the court ordered that the product be released under bond for segregation and denaturing of the unfit portion for use as animal feed, under the supervision of the Food and Drug Administration. 198 bags were released as fit for human consumption, and 384 bags were denatured for use as animal feed.

**17857. Adulteration of rice. U. S. v. 91 Bags, etc. (F. D. C. No. 31439. Sample Nos. 28356-L, 28357-L.)**

**LIBEL FILED:** July 19, 1951, Northern District of California.

**ALLEGED SHIPMENT:** On or about November 2, 1950, and February 28 and March 26, 1951, from Jennings and Abbeville, La.