

16233. Misbranding of flour. U. S. v. 480 Six-Pound Sacks, et al., of Flour. Decree of forfeiture entered. Product released under bond. (F. & D. No. 23337. I. S. Nos. 05683, 05684. S. No. 1472.)

On January 19, 1929, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 480 six-pound sacks and 704 twelve-pound sacks of flour, remaining in the original unbroken packages at Savannah, Ga., alleging that the article had been shipped by the Dixie Portland Flour Co., from Charleston, S. C., on or about January 1, 1929, and transported from the State of South Carolina into the State of Georgia, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Sacks) "Dixie Portland Flour Mills U. S. A. Pure Soft Western Wheat Flour Self Rising Flour 6 Lbs. When Packed," or "Wild Rose Brand Dixie Portland Flour Mills U. S. A. Pure Soft Western Wheat Flour Self Rising 12 lbs. when packed."

It was alleged in the libel that the article was misbranded in that the statements on the labels, "6 Lbs. When Packed" and "12 Lbs. When Packed," were false and misleading and deceived and misled the purchaser, and for the further reason that the article was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the packages, since the quantities stated were not correct.

On January 25, 1929, the Dixie Portland Flour Co., Charleston, S. C., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be relabeled, resacked, and rebranded so as to comply with the Federal food and drugs act.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

16234. Misbranding of tomato paste. U. S. v. 42 Cases of Tomato Paste. Product relabeled and released. (F. & D. No. 22805. I. S. No. 24006-x. S. No. 840.)

On June 4, 1928, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 42 cases of tomato paste, remaining in the original unbroken packages at Buffalo, N. Y., alleging that the article had been shipped, on or about November 30, 1927, from Arlington, Calif., and transported from the State of California into the State of New York, and charging misbranding in violation of the food and drugs act.

Analysis of a sample of the article by this department showed that it had been colored with cochineal.

The article was labeled in part: "Naples Style Tomato Paste with Sweet Basilico Giardiniera Brand * * * Salsa Di Pomodoro. Packed by La Sierra Heights Canning Co., Arlington, Cal."

It was alleged in the libel that the article was misbranded in that the statement "Salsa Di Pomodoro Tomato Paste" was false and misleading and deceived and misled the purchaser.

On September 19, 1928, the products having been theretofore released under bond to the claimant, the Progressive Italian Importing Co., Brooklyn, N. Y., and having been relabeled by order of the court, under the direction of this department, final order releasing the product to the claimant was entered.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

16235. Adulteration of Brazil nuts. U. S. v. 41 Sacks of Brazil Nuts. Consent decree of release under bond entered. (F. & D. Nos. 23259, 23260, 23261, 23262. I. S. No. 01410. S. No. 1370.)

On December 19, 1928, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 41 sacks of Brazil nuts, remaining in the original unbroken sacks at St. Louis, Mo., alleging that the article had been shipped by James W. McGlone (Inc.), New York, N. Y., on or about October 3, 1928, and transported from the State of New York into the State of Missouri, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.