

**20286. Adulteration and misbranding of rye flour. U.S. v. 350 Sacks of Flour, et al. Consent decrees of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. nos. 28915, 28927. Sample nos. 10887-A, 10889-A.)**

These actions involved the interstate shipment of quantities of a product sold as rye flour which was found to consist of artificially bleached rye flour, a portion containing added chlorine, and the remainder containing benzoyl peroxide or its residue, benzoic acid.

On September 16 and September 21, 1932, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 637 sacks of flour at New York, N.Y., alleging that the article had been shipped in interstate commerce on August 27, 1932, by the Eagle Roller Mills Co., of New Ulm, Minn., in part from New Ulm, Minn., and in part from Buffalo Lake, Minn., to New York, N.Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Sacks) "New Century Rye Flour Pure White Patent The Century Milling Co. Minneapolis, Minn."

Adulteration was alleged in the libels with respect to a portion of the article for the reason that an artificially bleached rye flour containing benzoyl peroxide or its residue, benzoic acid, had been substituted for rye flour. Adulteration was alleged with respect to the remainder for the reason that a substance, artificially bleached rye flour, had been substituted for rye flour.

Misbranding was alleged for the reason that the statement on the sacks, "Rye Flour Pure White Patent", when applied to an artificially bleached flour, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the product was offered for sale under the distinctive name of another article.

The American Flour Corporation, New York, N.Y., interposed a claim for the property as agent for the Century Milling Co., of New Ulm, Minn., admitted the allegations of the libels, and consented to the entry of decrees. On October 6, 1932, judgments of condemnation and forfeiture were 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 bonds in the total sum of \$2,000, conditioned in part that it be labeled under the supervision of this Department by stenciling the words "Bleached with Benzoyl Peroxide" on the sacks.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20287. Adulteration of pickling spices. U.S. v. 300 Packages of Pickling Spices. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 28871. Sample no. 5916-A.)**

This action involved the interstate shipment of a quantity of pickling spices which were found to be insect-infested.

On September 20, 1932, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 300 packages of pickling spices at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce on or about August 29, 1931, by the Hudson Tea & Spice Co., Inc., from Brooklyn, N.Y. to Cleveland, Ohio, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Package) "Choice H. T. C. Pickling Spice."

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

On November 5, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20288. Adulteration of butter. U.S. v. 17 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 28990. Sample no. 12455-A.)**

This action involved the interstate shipment of a quantity of butter samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On September 9, 1932, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in