

20623. Adulteration and misbranding of rye flour. U. S. v. 350 Sacks of Rye Flour. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 29314. Sample no. 20488-A.)

This case involved an interstate shipment of rye flour that was artificially bleached and contained benzoyl peroxide or its residue, benzoic acid.

On November 23, 1932, the United States attorney for the Eastern District of New York, 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 350 sacks of rye flour, remaining in the original packages at St. George, Staten Island, N.Y., alleging that the article had been shipped in interstate commerce, on or about September 25, 1932, by the Duluth Superior Milling Co., from Duluth, Minn., into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Duluth Superior Milling Co., Pure Imperial White Rye Flour 1 Duluth Minn."

It was alleged in the libel that the article was adulterated in that artificially bleached rye flour containing benzoyl peroxide or its residue, benzoic acid, had been substituted for the article.

Misbranding was alleged for the reason that the label of the article represented that it was pure rye flour, whereas it was not.

On January 4, 1933, the Standard Milling Co., New York, N.Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and 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 \$1,000, conditioned that it be relabeled by stenciling on each sack the words "Bleached With Benzoyl Peroxide."

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

20624. Adulteration and misbranding of gray wheat shorts. U. S. v. 200 Sacks of Gray Wheat Shorts. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 29321. Sample no. 16971-A.)

This action involved a product, sold as gray wheat shorts, that was found to contain excessive bran tissue, added sand, and screenings, and more fiber than was declared on the label.

On November 19, 1932, 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 the district aforesaid a libel praying seizure and condemnation of 200 sacks of gray wheat shorts, remaining in the original unbroken packages at Mexico, Mo., alleging that the article had been shipped in interstate commerce by the Crete Mills, on or about October 29, 1932, from Crete, Nebr., to Mexico, Mo., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Gray Wheat Shorts. Manufactured by the Crete Mills, Crete, Nebr., Guaranteed Analysis * * * Fibre not more than six percent."

It was alleged in the libel that the article was adulterated in that a product containing excessive bran tissue, added sand, screenings, and excessive fiber had been substituted for gray shorts.

Misbranding was alleged for the reason that the statements on the label, "Gray Wheat Shorts * * * Guaranteed Analysis * * * Fibre not more than 6.00%", were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On January 24, 1933, the Crete Mills, Crete, Nebr., claimant, having consented to the entry of a decree and having executed a bond in the sum of \$300 to insure compliance therewith, judgment of condemnation was entered and it was ordered by the court that the bond be approved and that the product be released to the claimant to be relabeled under the supervision of this Department, and that claimant pay costs of the proceedings.

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