10593. Misbranding of corn chops and corn meal. U. S. v. 75 Sacks of Gristo Corn Chops, et al. Consent decrees of condemnation and forfeiture. Products released under bond. (F. & D. Nos. 27695, 27696. I. S. Nos. 41087, 41090. S. Nos. 5767, 5770.)

Samples of corn chops and corn meal taken from the shipments involved in these actions having been found to be short weight, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of of Arkansas.

On or about February 1, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 75 sacks of corn chops and 565 sacks of corn meal at Blytheville, Ark., alleging that the articles had been shipped in interstate commerce, by the Scott County Milling Co., from Sikeston, Mo., to Blytheville, Ark., in part on or about December 9, 1931, and in part on or about January 6, 1932, and charging misbranding in violation of the food and drugs act as amended. The articles were labeled in part: "100 Pounds Net. Gristo Corn Chops Manufactured by Scott County Milling Company, Sikeston, Oran, Dexter, Mo." and "BMMCo Cream Meal * * * 10 Lbs. Net Weight When Packed."

It was alleged in the libels that the articles were adulterated in that the statements, "100 Pounds Net" and "10 Lbs. Net," appearing on the respective labels, were false and misleading and deceived and misled the purchaser, since the sacks containing the said corn chops contained less than 100 pounds net, and the sacks containing the corn meal contained less than 10 pounds net.

Misbranding was alleged for the further reason that the articles were food in package form and the quantities of the contents were not plainly and conspicuously marked on the outside of the packages, since the statements made were not correct.

On March 25, 1932, the Scott County Milling Co., Sikeston, Mo., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be released to the said claimant upon payment of costs and the execution of bonds totaling $400, conditioned as required by law. It was further ordered that the sacks be filled to the declared net weight under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19594. Adulteration of celery. U. S. v. 206 Crates of Celery. Default decree of condemnation, forfeiture, and destruction. (F. &. D. No. 27734. I. S. No. 52062. S. No. 5830.)

Arsenic having been found on celery taken from the shipment involved in this action, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On February 11, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 206 crates of the said celery at Chicago, Ill., alleging that the article had been shipped in interstate commerce on January 28, 1932, by the Manatee County Growers Association, Vanderipe, Fla., to Chicago, Ill., and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Mana T Brand Packed and Shipped by Manatee County Growers Association, Bradenton, Fla."

It was alleged in the libel that the article was adulterated in that it contained an added poisonous and deleterious ingredient, arsenic, in an amount which might have rendered it injurious to health.

On March 25, 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19595. Adulteration and misbranding of flour. U. S. v. 3,400 Bags of Flour. Product ordered released under bond. (F. & D. No. 26486. I. S. No. 28323. S. No. 4707.)

Examination of the purported wheat flour involved in this action showed that the article contained a considerable amount of rye flour.

On July 1, 1931, the United States attorney for the Western District of Pennsylvania, 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 3,400 bags of flour, remaining in the original unbroken packages at Charleroi, Pa., alleging that the article had been shipped in interstate commerce by the Gwinn Milling Co., on or about April 10, 1931,