29117. Adulteration of mineral water. U. S. v. 44 Cases of Waukesha Fox Head Mineral Water. Default decree of condemnation and destruction. (F. & D. No. 42102. Sample No. 21403–D.)

Examination showed that this product was polluted.

On April 6, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 44 cases of mineral water at Chicago, Ill.; alleging that the article had been shipped in interstate commerce in part on or about March 10 and 12, 1938, by Fox Head-Waukesha Corporation from Waukesha, Wis., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Waukesha Fox Head Mineral Water."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On May 24, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29118. Adulteration and misbranding of ground ear corn. U. S. v. 550 Sacks of Ground Ear Corn. Default decree of condemnation and destruction. (F. & D. No. 42107. Sample No. 10161–D.)

This article was represented to be ground ear corn, a product which should consist of chopped corn and cob with no greater proportion of cob than occurs in the ear corn in its natural state, but was not ground ear corn.

On or about April 5, 1938, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 550 sacks of ground ear corn at Tampa, Fla.; alleging that the article had been shipped in interstate commerce on or about February 5 and 12, 1938, from New Orleans, La., by J. T. Gibbons, Inc.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Sunrise Ground Ear Corn Manufactured by J. T. Gibbons, Inc., New Orleans, La."

It was alleged to be adulterated in that a mixture of ground corn, corn bran, rice hulls and rice bran, ground and shredded bagasse (sugarcane), a small amount of ground corn cob, and calcium carbonate had been substituted in whole or in part for ground ear corn, which it purported to be.

It was alleged to be misbranded in that the statement, "Ground ear corn * * * made from the entire ear of corn in its natural state," was false and misleading and tended to deceive and mislead the purchaser when applied to an article that consisted as aforesaid.

On May 19, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29119. Misbranding of peanut butter. U. S. v. 112 Cases of Peanut Butter. Consent decree ordering product released under bond. (F. & D. No. 42305. Sample No. 15872–D.)

This product was short weight.

On May 4, 1938, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 112 cases of peanut butter at Oklahoma City, Okla.; alleging that the article had been shipped in interstate commerce on or about March 19 and April 1, 1938, from Denison, Tex., by the Denison Peanut Co.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Nature's Best Select Quality Peanut Butter * * * Denison Peanut Co., Denison, Texas."

It was alleged to be misbranded in that the statement on the label, "Contents 1 Lb. 8 Ozs.," tended to deceive and mislead the purchaser and was false and misleading when applied to an article short in weight; and in that it was food in package form and the quantity of contents was not plainly or conspicuously marked on the outside of the package, since the quantity stated was not correct.

On May 19, 1938, the Griffin Grocery Co., Oklahoma City, Okla., claimant, having admitted the allegations of the libel, the product was ordered released under bond with the condition that it not be disposed of contrary to law.

HARRY L. BROWN, *Acting Secretary of Agriculture.*