

On July 19, 1938, Langdon Creamery Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent of milk fat.

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

**29222. Adulteration and misbranding of confections. U. S. v. 10 Boxes of Toasti-Macs, et al. (F. & D. Nos. 42371, 42372, 42373. Sample Nos. 22311-D, 22312-D, 22313-D.)**

One of these lots of confections was adulterated because of insect infestation. All four lots were misbranded, three because the net weight of the article was less than that declared, and the fourth because the declaration of weight was a gross understatement.

On May 17, 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 40 boxes of confections at Chicago, Ill.; alleging that the articles had been shipped in interstate commerce on or about October 28, 1937, by Battle Creek Biscuit Co. from Battle Creek, Mich.; and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. Two of the products were labeled: "Toasti-Macs \* \* \* Net Weight over 2 ounces"; "Vita Peanut Logs \* \* \* 40 Grams or over Net Weight." The other product was of two sizes, both labeled: "Battle Creek Vita Crisp \* \* \* Net Wt. 40 grams or over."

The Peanut Logs were alleged to be adulterated in that they consisted in whole or in part of a filthy vegetable substance.

All the articles were alleged to be misbranded in that the following statements were false and misleading and tended to deceive and mislead the purchaser when applied to articles that were short weight, with the exception of the larger-sized packages of Vita Crisp Wafers, which were in excess of the declared weight: "Net Weight over 2 Ounces"; "40 Grams or over Net Weight"; "Net Wt. 40 Grams or over." They were alleged to be misbranded further in that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the quantities stated were not correct.

On July 11, 1938, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

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

**29223. Misbranding of flour. U. S. v. 370 Sacks of Cake Flour. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. No. 42991. Sample No. 21156-D.)**

This product was bleached and its label failed to bear a clear statement indicating that it was bleached flour.

On June 30, 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 370 sacks of flour at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about May 9, 1938, by Voigt Milling Co. from Grand Rapids, Mich.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Royal Fluff Eat A Cake Flour \* \* \* Voigt Milling Co. Grand Rapids, Mich. Matured with betachlora-Bleached."

It was alleged to be misbranded in that the prominent designation "Cake Flour" was false and misleading and tended to deceive and mislead the purchaser when applied to bleached flour; and in that it was labeled or branded so as to deceive and mislead the purchaser since the label failed to bear a clear statement indicating that it was bleached, the inconspicuous declaration in type of a very light straw color placed at bottom of sack not correcting the misleading impression.

On July 9, 1938, Bemis Bag Co., claimant, having admitted the allegations of the libel, and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of this Department.

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