

of 'Plantation' blackstrap molasses, such book constituted 'labeling' for the article as defined in the Act, when the article was introduced into, while in, and while held for sale after shipment in interstate commerce.

"The publisher, concededly not a party to the plan of distribution and having no connection with Nature Food Centres in the marketing of molasses, claims that the Act provides no authority for the seizure and condemnation of its books as 'printed matter accompanying' an article. I can see no warrant in reason for such a narrow construction of Section 334 of the Act nor do I find any authoritative decisions indicating that the seizure provisions of the Act should be so circumscribed.

"The publisher further claims that to construe the publisher's book as 'labeling' of 'Plantation' blackstrap molasses would violate the publisher's right of freedom of the press under the Federal Constitution, and that this summary seizure of copies of the book as 'labeling' of a commercial product violates the constitutional guarantee of freedom of the press. The Administrator by resorting to the seizure provisions of the Act does not undertake to interfere with the publication or circulation of the publisher's book. The seizure has not interfered with the bona fide sale of the book. The publisher may continue to sell its books wherever it finds a market, even in food stores, and even in stores where 'Plantation' blackstrap molasses is sold. The seizure relates not to books offered for bona fide sale but to copies of the book claimed to be offending against the Act by being associated with the article 'Plantation' Blackstrap Molasses in a distribution plan in such a way as to misbrand the product.

"Motion denied. It is hereby so ordered."

On September 10, 1951, the claimant having failed to pursue the matter further, judgment of condemnation was entered and the court ordered that the property, consisting of the molasses and the copies of the book under seizure, be distributed to various charitable organizations.

## CEREALS AND CEREAL PRODUCTS

### FLOUR

**17853. Adulteration of flour. U. S. v. 170 Sacks \* \* \*. (F. D. C. No. 31435. Sample No. 29862-L.)**

**LIBEL FILED:** July 12, 1951, Western District of Washington.

**ALLEGED SHIPMENT:** On or about June 9, 1951, from Great Falls, Mont.

**PRODUCT:** 170 100-pound sacks of flour at Seattle, Wash.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** July 23, 1951. The Montana Flour Mills Co., Great Falls, Mont., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for conversion into stock feed, under the supervision of the Federal Security Agency.

**17854. Adulteration of flour. U. S. v. 140 Bags \* \* \*. (F. D. C. No. 31445. Sample Nos. 12238-L, 12241-L.)**

**LIBEL FILED:** July 24, 1951, Southern District of Ohio.

**ALLEGED SHIPMENT:** On or about April 24, 1951, from Minneapolis, Minn.

**PRODUCT:** 140 100-pound bags of flour at Cincinnati, Ohio.