

United States Patent and Trademark Office (USPTO)
Office Action (Official Letter) About Applicant's Trademark Application

U.S. Application Serial No. 79272849

Mark: ROYAL STAR

Correspondence Address:

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Singapore 048621
SINGAPORE

Applicant: AASTAR TRADING PTE. LTD.

Reference/Docket No. N/A

Correspondence Email Address:

NONFINAL OFFICE ACTION

International Registration No. 1500494

Notice of Provisional Full Refusal

Deadline for responding. The USPTO must receive applicant's response within six months of the "date on which the notification was sent to WIPO (mailing date)" located on the WIPO cover letter, or the U.S. application will be abandoned. To confirm the mailing date, go to the USPTO's Trademark Status and Document Retrieval (TSDR) database select "US Serial, Registration, or Reference No.," enter the U.S. application serial number in the blank text box, and click on "Documents." The mailing date used to calculate the response deadline is the "Create/Mail Date" of the "1st Refusal Note."

Respond to this Office action using the USPTO's Trademark Electronic Application System (TEAS). A link to the appropriate TEAS response form appears at the end of this Office action.

Discussion of provisional full refusal. This is a provisional full refusal of the request for extension of protection to the United States of the international registration, known in the United States as a U.S. application based on Trademark Act Section 66(a). See 15 U.S.C. §§1141(f)(a), 1141h(c).

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

SEARCH OF OFFICE RECORDS

The trademark examining attorney has searched the Office's database of registered and pending marks and has found no conflicting marks that would bar registration under Trademark Act Section 2(d). TMEP §704.02; see 15 U.S.C. §1052(d).

SUMMARY OF ISSUES:

- SECTION 2(d) REFUSAL – LIKELIHOOD OF CONFUSION
- IDENTIFICATION OF GOODS
- U.S.-LICENSED ATTORNEY

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

SECTION 2(d) REFUSAL – LIKELIHOOD OF CONFUSION

THIS PARTIAL REFUSAL APPLIES ONLY TO THE GOODS SPECIFIED THEREIN

Registration of the applied-for mark is refused because of a likelihood of confusion with the mark in U.S. Registration No. 1780468. Trademark Act Section 2(d), 15 U.S.C. §1052(d); see TMEP §§1207.01 *et seq.* See the attached registration.

Marks are compared in their entireties for similarities in appearance, sound, connotation, and commercial impression. *Stone Lion Capital Partners, LP v. Lion Capital LLP*, 746 F.3d 1317, 1321, 110 USPQ2d 1157, 1160 (Fed. Cir. 2014) (quoting *Palm Bay Imps., Inc. v. Veuve Clicquot Ponsardin Maison Fondée En 1772*, 396 F.3d 1369, 1371, 73 USPQ2d 1689, 1691 (Fed. Cir. 2005)); TMEP §1207.01(b)-(b)(v). "Similarity in any one of these elements may be sufficient to find the marks confusingly similar." *In re Inn at St. John's, LLC*, 126 USPQ2d 1742, 1746 (TTAB 2018) (citing *In re Davia*, 110 USPQ2d 1810, 1812 (TTAB 2014)); TMEP §1207.01(b).

Applicant's mark ROYAL STAR is similar to the registered mark ROYAL FOUR STAR (design).

When evaluating a composite mark consisting of words and a design, the word portion is normally accorded greater weight because it is likely to make a greater impression upon purchasers, be remembered by them, and be used by them to refer to or request the goods. *In re Aquitaine Wine USA, LLC*, 126 USPQ2d 1181, 1184 (TTAB 2018) (citing *In re Vittera Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012)); TMEP §1207.01(c)(ii). Thus, although marks must be compared in their entireties, the word portion is often considered the dominant feature and is accorded greater weight in determining whether marks are confusingly similar, even where the word portion has been disclaimed. *In re Vittera Inc.*, 671 F.3d at 1366-67, 101 USPQ2d at 1911 (citing *Giant Food, Inc. v. Nation's Foodservice, Inc.*, 710 F.2d 1565, 1570-71, 218 USPQ2d 390, 395 (Fed. Cir. 1983)).

Consumers are likely to use the wording ROYALFOUR STAR because consumer are not likely to use the design in calling for the goods. The applicant's mark is similar to the registered mark because they both have the identical terms ROYAL and STAR.

The goods are compared to determine whether they are similar, commercially related, or travel in the same trade channels. See *Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1369-71, 101 USPQ2d 1713, 1722-23 (Fed. Cir. 2012); *Herbko Int'l, Inc. v. Kappa Books, Inc.*, 308 F.3d 1156, 1165, 64 USPQ2d 1375, 1381 (Fed. Cir. 2002); TMEP §§1207.01, 1207.01(a)(vi).

The compared goods need not be identical or even competitive to find a likelihood of confusion. See *On-line Careline Inc. v. Am. Online Inc.*, 229 F.3d 1080, 1086, 56 USPQ2d 1471, 1475 (Fed. Cir. 2000); *Recot, Inc. v. Becton*, 214 F.3d 1322, 1329, 54 USPQ2d 1894, 1898 (Fed. Cir. 2000); TMEP §1207.01(a)(i). They need only be "related in some manner and/or if the circumstances surrounding their marketing are such that they could give rise to the mistaken belief that [the goods and/or services] emanate from the same source." *Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1369, 101 USPQ2d 1713, 1722 (Fed. Cir. 2012) (quoting *7-Eleven Inc. v. Wechsler*, 83 USPQ2d 1715, 1724 (TTAB 2007)); TMEP §1207.01(a)(i).

Applicant's relevant goods are related to registrant's goods. Applicant's relevant goods are as follows: Batter mixes; biscuit mixes; bread mixes; cake mixes; cookie mixes; flour mixes; pancake mixes; pastry mixes; pre-mixes ready for baking; instant pudding mixes; mixes for making bakery products. Registrant's identification of goods are listed as follows: flour.

The attached Internet evidence, consisting of businesses that provide flour and baking mixes, establishes that the same entity commonly provides the relevant goods and markets the goods under the same mark. Thus, applicant's and registrant's goods are considered related for likelihood of confusion purposes. See, e.g., *In re Davey Prods. Pty Ltd.*, 92 USPQ2d 1198, 1202-04 (TTAB 2009); *In re Toshiba Med. Sys. Corp.*, 91 USPQ2d 1266, 1268-69, 1271-72 (TTAB 2009).

The following webpages show businesses that provide flour and baking mixes: shop.kingarthurflour.com, www.bobsredmill.com, www.amazon.com, www.hodgsonmill.com.

Applicant's mark is similar to the registered mark and the goods are related such that confusion as to the source likely.

IDENTIFICATION OF GOODS

THIS PARTIAL REQUIREMENT APPLIES ONLY TO THE GOODS SPECIFIED THEREIN

The following wording in the identification of goods is indefinite and must be clarified because it is unclear what types of goods are provided:

Fats; food products consisting principally of edible fats; food products consisting principally of edible oils, in class 29.

Batter mixes; pre-mixes ready for baking, in class 30.

See 37 C.F.R. §2.32(a)(6); TMEP §1402.01. Applicant must amend this wording to specify the common commercial or generic name of the goods. See TMEP §1402.01. If the goods have no common commercial or generic name, applicant must describe the product, its main purpose, and its intended uses. See *id.*

Applicant may substitute the following wording, if accurate:

Fats, **namely, [specify type of fats, e.g. vegetable fats for food]**; edible fats; animal fats for food; edible oils and fats; shortenings being mixtures of edible oils and edible fats; shortening; cooking oils; food products consisting principally of edible fats, **namely, [specify type]**; food products consisting principally of edible oils, **namely, [specify type]**, in class 29.

Batter mixes, **namely, [specify type, e.g. pre-mixed pancake batter]**; biscuit mixes; bread mixes; cake mixes; cookie mixes; flour mixes; pancake mixes; pastry mixes; pre-mixes, **namely, [specify type, e.g. bread mixes]** ready for baking; instant pudding mixes; mixes for making bakery products, in class 30.

In a Trademark Act Section 66(a) application, classification of goods and/or services may not be changed from that assigned by the International Bureau of the World Intellectual Property Organization. 37 C.F.R. §2.85(d); TMEP §§1401.03(d), 1904.02(b). Additionally, classes may not be added or goods and/or services transferred from one class to another in a multiple-class Section 66(a) application. 37 C.F.R. §2.85(d); TMEP §1401.03(d).

Applicant's goods and/or services may be clarified or limited, but may not be expanded beyond those originally itemized in the application or as acceptably narrowed. See 37 C.F.R. §2.71(a); TMEP §§1402.06, 1904.02(c)(iv). Applicant may clarify or limit the identification by inserting qualifying language or deleting items to result in a more specific identification; however, applicant may not substitute different goods and/or services or add goods and/or services not found or encompassed by those in the original application or as acceptably narrowed. See TMEP §1402.06(a)-(b). The

scope of the goods and/or services sets the outer limit for any changes to the identification and is generally determined by the ordinary meaning of the wording in the identification. TMEP §§1402.06(b), 1402.07(a)-(b). Any acceptable changes to the goods and/or services will further limit scope, and once goods and/or services are deleted, they are not permitted to be reinserted. TMEP §1402.07(e). Additionally, for applications filed under Trademark Act Section 66(a), the scope of the identification for purposes of permissible amendments is limited by the international class assigned by the International Bureau of the World Intellectual Property Organization (International Bureau); and the classification of goods and/or services may not be changed from that assigned by the International Bureau. 37 C.F.R. §2.85(d); TMEP §§1401.03(d), 1904.02(b). Further, in a multiple-class Section 66(a) application, classes may not be added or goods and/or services transferred from one existing class to another. 37 C.F.R. §2.85(d); TMEP §1401.03(d).

For assistance with identifying and classifying goods and services in trademark applications, please see the USPTO's online searchable [U.S. Acceptable Identification of Goods and Services Manual](#). See TMEP §1402.04.

U.S.-LICENSED ATTORNEY

Applicant must be represented by a U.S.-licensed attorney at the USPTO to respond to or appeal the provisional refusal. An applicant whose domicile is located outside of the United States or its territories is foreign-domiciled and must be represented at the USPTO by an attorney who is an active member in good standing of the bar of the highest court of a U.S. state or territory. 37 C.F.R. §§2.11(a), 11.14; *Requirement of U.S.-Licensed Attorney for Foreign-Domiciled Trademark Applicants & Registrants*, Examination Guide 4-19, at I.A. (Rev. Sept. 2019). An individual applicant's domicile is the place a person resides and intends to be the person's principal home. 37 C.F.R. §2.2(o); Examination Guide 4-19, at I.A. A juristic entity's domicile is the principal place of business; i.e., headquarters, where a juristic entity applicant's senior executives or officers ordinarily direct and control the entity's activities. 37 C.F.R. §2.2(o); Examination Guide 4-19, at I.A. Because applicant is foreign-domiciled, applicant must appoint such a U.S.-licensed attorney qualified to practice under 37 C.F.R. §11.14 as its representative before the application may proceed to registration. 37 C.F.R. §2.11(a). See [Hiring a U.S.-licensed trademark attorney](#) for more information.

To appoint or designate a U.S.-licensed attorney. To appoint an attorney, applicant should submit a completed Trademark Electronic Application System (TEAS) [Revocation, Appointment, and/or Change of Address of Attorney/Domestic Representative](#) form. The newly-appointed attorney must submit a TEAS [Response to Examining Attorney Office Action](#) form indicating that an appointment of attorney has been made and address all other refusals or requirements in this action, if any. Alternatively, if applicant retains an attorney before filing the response, the attorney can respond to this Office action by using the appropriate TEAS response form and provide his or her attorney information in the form and sign it as applicant's attorney. See 37 C.F.R. §2.17(b)(1)(ii).

Please call or email the assigned trademark examining attorney with questions about this Office action. Although the trademark examining attorney cannot provide legal advice or statements about applicant's rights, the trademark examining attorney can provide applicant with additional explanation about the refusal(s) and/or requirement(s) in this Office action. See TMEP §§705.02, 709.06. Although the USPTO does not accept emails as responses to Office actions, emails can be used for informal communications and will be included in the application record. See 37 C.F.R. §§2.62(c), 2.191; TMEP §§304.01-.02, 709.04-.05.

How to respond. [Click to file a response to this nonfinal Office action.](#)

/Ramona Ortega Palmer/
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571-272-9715
ramona.ortiga-palmer@uspto.gov

RESPONSE GUIDANCE

- **Missing the response deadline to this letter will cause the application to abandon.** A response or notice of appeal must be received by the USPTO before midnight **Eastern Time** of the last day of the response period. TEAS and ESTT [maintenance or unforeseen circumstances](#) could affect an applicant's ability to timely respond.
- **Responses signed by an unauthorized party** are not accepted and can **cause the application to abandon**. If applicant does not have an attorney, the response must be signed by the individual applicant, all joint applicants, or someone with legal authority to bind a juristic applicant. If applicant has an attorney, the response must be signed by the attorney.
- If needed, **find contact information for the supervisor** of the office or unit listed in the signature block.

DESIGN MARK

Serial Number

74308431

Status

REGISTERED AND RENEWED

Word Mark

ROYAL FOUR STAR

Standard Character Mark

No

Registration Number

1780468

Date Registered

1993/07/06

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

Owner

BAY STATE MILLING COMPANY CORPORATION MINNESOTA 100 CONGRESS STREET
QUINCY MASSACHUSETTS 02169

Goods/Services

Class Status -- ACTIVE. IC 030. US 046. G & S: flour. First Use:
1990/05/18. First Use In Commerce: 1990/05/18.

Lining/Stippling Statement

The drawing is lined for the colors red and blue.

Filing Date

1992/08/28

Examining Attorney

MIRMAN, DONNA

Attorney of Record

Debra S. Serota



ROYAL
FOUR STAR

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King Arthur Unbleached All-Purpose Flour 5 lb.

441 Reviews #01050

\$4.95

Qty

1

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An essential ingredient for every baker, our unbleached all-purpose flour works in any recipe calling for "flour" or "all-purpose flour," yielding exceptional results.

Unbleached and unbromated, this flour is milled to be versatile: strong enough for bread, and gentle enough for tender, delicate scones and cakes. Use it in any recipe calling for just plain flour or all-purpose flour – it's a basic pantry ingredient that we've perfected and tested with the strictest specifications in the industry, so you can rely on it for all of your cooking and baking needs. Milled from the finest American wheat, our flour is prized by chefs, bakeries, and culinary schools around the country for its consistency and performance.

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All flour is not created equal! Raise your flour IQ and your baking will be better for it! [Learn more »](#)

Related Recipes



New England
Anadama Bread



Pear & Almond
Tart

WHAT YOU GET

- 5-pound bag (approximately 18-19 cups)
- 11.7% protein content

DIETARY INFORMATION

Kosher.

CARE & STORAGE

Store in a cool, dry place.

Bakers Also Viewed



King Arthur
Unbleached
All-Purpose
Flour 10 lb.
\$9.95



King Arthur
Organic All-
Purpose Flour
- 5 lb.
\$9.95



Unbleached
Cake Flour
\$4.95



SAF Red
Instant Yeast -
16 oz.
\$5.95



Baking
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100 Half-
Sheets
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oz.
\$6.95

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Digital Engagement Specialist

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“With the nutty almond crumbs and chewy cherries, this is the kind of mix you need to make a double batch in order to make up for all of the lost “tester bites”.”



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Very Berry
Scone Mix
\$6.95

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Mix
\$6.95

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Bread and
Pizza Mix - 3-
Pack
\$18.85

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Almond Scone
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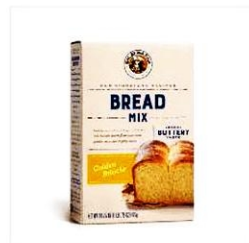
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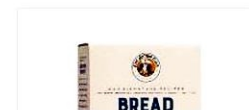
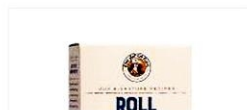
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\$5.95 ★★★★★ (199)

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\$18.85 ~~\$20.85~~ ★★★★★ (10)
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Recommended For You



Unbleached White All Purpose Flour



\$4.69

In Stock

SKU: 1560C05



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Size



5 lb Bag



Case (4 - 5 lb Bags)



25 lb Bag

1

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Our All-Purpose Flour is unbleached, unbromated, enriched baking flour milled from the highest quality North American wheat. The only all-purpose flour from BPA™ in which the use in your yeast breads.



Recipes For You



Peanut Butter Brownies



Strawberry Jam and Butter Thumbprint Cookies



Organic Unbleached White All Purpose Flour



Organic Spelt Flour



Description

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Q&A

America's Best Baking Flour™

The 10-12% protein content in this ap flour ensures good gluten development and a satisfying texture, so it's better suited for yeast breads than cake flour or pastry flour. Need self-rising flour? To each cup of flour, add 1 1/2 teaspoons of baking powder and 1/2 teaspoon of salt.

Bleaching agents and bromate are sometimes added to flours, but not ours! The bleaching process makes



Recommended For You

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Homestyle Pancake & Waffle Mix

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Size

☒ 24 oz Bag

☐ Case (4 - 24 oz Bags)

1

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Nutritional Information & Ingredients

Use this just-add-water pancake mix for light and fluffy “homestyle” pancakes, just like mom (or dad!) used to make. All the



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Protein Pancake & Waffle Mix



Gluten Free Pancake Mix

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Description

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Finally, a just-add-water pancake mix you can feel good about eating! Bob's Red Mill Homestyle Pancake & Waffle Mix features simple, Non-GMO Project Verified ingredients including buttermilk, butter, eggs and our famous flour, for a complete mix that makes perfectly delicious pancakes every time.

Reasons to ♥ Our Homestyle Pancake & Waffle Mix

- Just add water, so easy!
- Terrific texture and classic flavor
- Short, simple ingredients list

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Gluten Free Chocolate Cake Mix



\$4.99

In Stock

SKU: 1616C16

★★★★☆ [Write a Review](#)

Size

☒ 16 oz Bag

☐ Case (4 - 16 oz Bags)

1

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Gluten Free Homemade Wonderful Bread



\$5.99

In Stock

SKU: 1602C16

★★★★☆ [Write a Review](#)

Size

☒ 16 oz Bag

☐ Case (4 - 16 oz Bags)

1

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Nutritional Information & Ingredients

Our Gluten Free Homemade Wonderful Bread Mix makes it easy to bake delicious sandwich bread, dinner rolls or hamburger

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Gluten Free Muffin Mix



\$4.99

In Stock

SKU: 1608C16

★★★★★ [Write a Review](#)

Size

☒ 16 oz Bag

☐ Case (4 - 16 oz Bags)

1

ADD TO CART

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Nutritional Information & Ingredients

With our Gluten Free Muffin Mix, making scrumptious gluten free muffins at home is as easy as 1, 2, 3! Just combine the mix with a few simple ingredients, add your favorite "mix-ins" (fruit, nuts or chocolate)

Recommended For You



Recommended For You



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Lower Priced Items to Consider



Arrowhead Mills Flour Stone Ground Wheat Organic, 22 oz

★★★★★ 1
\$7.05 prime

Is this feature helpful? Yes No



24 Mantara Organic Flour, Ragi, 2 Pound

★★★★★ 28
\$8.59 prime

Arrowhead Mills Flour Millet Organic, 23 oz

by Arrowhead Mills

★★★★☆ 8 ratings

Available from these sellers.

- Prepared in a dedicated Gluten-free allergy-friendly facility

4 new from \$7.86



Roll over image to zoom in



Organic Tiger Nut Flour - Kate Naturals. Perfect for Cookies, Baking. Sweet Flavor, Smooth Texture. Gluten-Free & Non-GMO. Large...

★★★★★ 51 | \$11.99 prime

Shop now

Ad feedback

4 new from \$7.86

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All Purpose Baking Mix lives up to its name—biscuits, muffins, bread and desserts all become easier using this mix. Made with whole grain wheat flour, the baking aroma in your kitchen will tell you that you’re on to something good!

Ingredients:
rice flour, whole grain sorghum flour, whole grain rice flour, tapioca starch flour, inulin, leavening (sodium acid pyrophosphate, baking soda, monocalcium phosphate), vitamin & mineral blend (calcium carbonate, ferrous sulfate, niacinamide, vitamin d, thiamine mononitrate [vitamin b1], riboflavin [vitamin b2], folic acid), xanthan gum.



Nutrition Facts

Serving Size: 1/3 cup (40g)	
Servings Per Container: About 20	
Amount Per Serving	
Calories: 130	Calories from Fat 5
	% Daily Value*
Total Fat 1g	2%
Saturated Fat 0g	0%
Trans Fat 0g	
Cholesterol 1mg	0%
Sodium 390mg	16%



Gluten Free All Purpose Baking Mix



Buttermilk Pancake Mix



Buckwheat Pancake & Waffle Mix



Organic Gluten Free Pancake & Baking Mix

Sodium 390mg	16%
Total Carb. 28g	9%
Dietary Fiber 2g	8%
Sugars 2g	
Protein 5g	10%
Vitamin A 0%	Vitamin C 0%
Calcium 20%	Iron 8%
Thiamine 8%	Riboflavin 6%
Niacin 6%	

* Percent Daily Values are based on a 2,000 calorie diet. Your daily values may be higher or lower depending on your calorie needs.

The most accurate information is always on the label on the actual product. We periodically update our labels based on new nutritional analysis to verify natural variations from crop to crop and at times formula revisions. The website does not necessarily get updated at the same time. The values on the website are intended to be a general guide to consumers. For absolute values, the actual label on the product at hand should be relied on.

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Unbleached & Unenriched Cake Flour
~~\$2.29~~ \$2.07



Best for Bread Flour
from \$4.99



Buckwheat Flour
from \$6.29



Premium Pasta Flour
from \$4.99



Rye Flour
from \$3.59



White Whole Wheat Flour
~~\$4.99~~ \$4.50



Whole Wheat Flour
from \$3.59



Whole Wheat Pastry Flour
from \$3.59





Gluten Free Almond Flour / Meal
from \$8.99



Gluten Free Coconut Flour
from \$4.99



Quinoa Flour
from \$8.99



Gluten Free Long Grain Brown Rice Flour
from \$2.99

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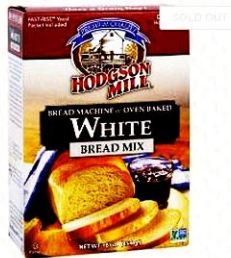




Baking Mixes



Nine Grain Bread Mix
from \$3.49



White Bread Mix
from \$3.49



Honey Whole Wheat Bread Mix
from \$3.49



Buckwheat Pancake Mix
from \$3.29



European Cheese & Herb Bread Mix
from \$3.49



Whole Wheat Buttermilk Pancake Mix
from \$2.29



Gluten Free Sweet Yellow Cornbread Mix
from \$2.99



Whole Wheat Gingerbread Mix
from \$3.49



Gluten Free Pancake & Waffle Mix with Flax
Seed
from \$4.99



Gluten Free Chocolate Cake Mix
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Gluten Free Multi Purpose Baking Mix
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