

stated upon the label, and the same being misbranded in that the contents do not consist of table peaches, but only of one-half table peaches and one-half of unsweetened watery liquid, the said labels being therefore false and misleading.

On October 22, 1913, Frank Onion and George F. Luddington, trading under the firm name and style of J. Luddington & Co., Baltimore, Md., having filed their claim and petition, praying a delivery of the property to them on bond, it was ordered by the court that the product should be delivered to said claimants upon the execution of bond in the sum of \$150, in conformity with section 10 of the act.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 6, 1914.*

3156. Adulteration and misbranding of canned peas. U. S. v. 25 Cases of Canned Peas. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5296. S. No. 1885.)

On August 8, 1913, the United States Attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 25 cases of canned peas, remaining unsold in the original unbroken packages at Richmond, Va., alleging that the product had been shipped on or about April 19, 1913, by S. H. Levin's Sons, Philadelphia, Pa., consigned to Charles E. Brauer Co., Richmond, Va., and transported from the State of Pennsylvania into the State of Virginia, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: (On cases) "Two doz. No. 2 Canned Celtic Brand Peas, packed from dried peas Alonzo Jones, Leipsic, Del." (On cans) "Celtic Brand Peas, packed from dried green peas, Celtic Brand, Alonzo Jones, packer, Leipsic, Del." A cut of green peas in pods was shown on the can, and contents stated as "Peas, salt, sugar, water."

Adulteration of the product was alleged in the libel for the reason that it consisted of a decomposed and putrid vegetable substance, and of dried, soaked peas, and peas generally known as sour flats, the same having undergone a fermentation as the result of a defect in the process of manufacture or in the use of spoiled peas. Misbranding was alleged for the reason that the contents of the cans did not consist of green peas but of sour flats, and the labels on the cans were calculated to deceive in that the impression created by the same was that the contents were green peas, when, as a matter of fact, the product consisted of dried soaked peas.

On August 25, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 6, 1914.*

3157. Adulteration of mint tablets. U. S. v. 40 Boxes of Mint Tablets. Default decree of forfeiture, condemnation, and destruction. (F. & D. No. 5297. S. No. 1888.)

On or about August 12, 1913, the United States Attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 40 boxes of mint tablets, each containing 30 retail tin packages, remaining unsold in the original unbroken packages and in possession of The E. W. Dunstan Co., New York, N. Y., alleging that the product was shipped on or about October 2, 1912, by The Manufacturing Company of America, Philadelphia, Pa., and transported from the State of Pennsyl-