

4338. Adulteration and misbranding of canned peas. U. S. * * * v. 5 Cases of Canned Peas. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5674. I. S. No. 6452-h. S. No. E-27.)

On April 10, 1914, the United States attorney for the Southern District of Georgia, 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 5 cases, each containing 100 cans, of peas, remaining unsold in the original unbroken packages at Augusta, Ga., alleging that the article had been shipped on or about November 15, 1913, and transported from the State of New York into the State of Georgia, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that copper, a poisonous and deleterious ingredient, was added to, and contained in, said cans of peas, which might render them injurious to health.

Misbranding was alleged for the reason that the labels on the cans pronounced that each of the retail packages contained $7\frac{3}{8}$ ounces, when, in truth and in fact, each of the packages was 11-46/100 per cent short in weight.

On November 23, 1915, no claimant having appeared for the product, 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.

CARL VROOMAN, *Acting Secretary of Agriculture.*