

Misbranding was alleged for the reason that the statement, "Pure Creamery Butter," together with the pictures of a cow in stable and of a girl operating a churn, borne on the label, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On June 8, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19101. Misbranding of canned peas. U. S. v. 21 Cases of Canned Peas. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27211. I. S. No. 29287. S. No. 5379.)

Samples of canned peas from the shipment herein described having been found to contain an excessive amount of hard peas, the Secretary of Agriculture reported the matter to the United States attorney for the District of New Jersey.

On November 4, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 21 cases of canned peas, remaining in the original unbroken packages at Passaic, N. J., alleging that the article had been shipped on or about July 23, 1931, by Thomas Roberts & Co., from Keymar, Md., and had been transported from the State of Maryland into the State of New Jersey, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Cans) "Silver Run Brand Early June Peas Contents 11 Oz. Packed by A. W. Feeser & Co. Inc. * * * Silver Run, Carroll Co. Md."

It was alleged in the libel that the article was misbranded in that it was canned food and fell below the standard of quality, and condition promulgated by the Secretary of Agriculture for such canned food, since it contained an excessive amount of hard peas and its package or label did not bear a plain and conspicuous statement indicating that it fell below such standard.

On December 8, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19102. Adulteration of canned salmon. U. S. v. 116½ Cases of Canned Salmon. Default decree of condemnation and destruction. (F. & D. No. 27101. I. S. Nos. 36207, 36208. S. No. 5340.)

Samples of salmon from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the District of Kansas.

On October 21, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 116½ cases of canned salmon, remaining in the original unbroken packages at Topeka, Kans., alleging that the article had been shipped on or about August 21, 1931, by the R. E. Cotter Co., from San Francisco, Calif., and had been transported in interstate commerce from the State of California into the State of Kansas, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "IGA Brand Pink Salmon packed for the Independence Grocers Alliance Distributing Co. Chicago, Illinois."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On December 31, 1931, no claimant having appeared, judgment of condemnation was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19103. Adulteration of canned turnip greens. U. S. v. 16 Dozen Cans of Turnip Greens. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25745. I. S. No. 14420. S. No. 3996.)

Samples of canned turnip greens from the shipment herein described having been found to be decomposed and sour, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of North Carolina.

On January 17, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 16 dozen cans of turnip greens, remaining in the original unbroken packages at Lincolnton, N. C., alleging that the article had been shipped by the Pomona Products Co., from Griffin, Ga., on or about September 24, 1930, and had been transported from the State of Georgia into the State of North Carolina, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Cans) "Georgia Belle Brand * * * Turnip Greens Packed by Pomona Products Co., Griffin, Ga."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On June 30, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19104. Adulteration of tomato catsup. U. S. v. 150 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27052. I. S. No. 12605. S. No. 5288.)

Samples of tomato catsup from the shipment herein described having been found to contain excessive mold, the Secretary of Agriculture reported the matter to the United States attorney for the District of Idaho.

On October 6, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 150 cases of tomato catsup, remaining in the original unbroken packages at Boise, Idaho, alleging that the article had been shipped by the Utah Canning Co., Springville, Utah, on or about June 12, 1931, and had been transported from the State of Utah into the State of Idaho, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Pierce's Tomato Catsup. * * * The Utah Canning Company, Ogden, Utah."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On November 16, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19105. Adulteration and misbranding of banana concentrate. U. S. v. 4 Gallons of Popsicle Flavoring Sirup, Banana Flavor. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26912. I. S. No. 22777. S. No. 5092.)

Examination of samples of banana concentrate from the shipments herein described having been shown that the article was an artificially flavored and colored imitation product containing little, if any, fruit extraction, the Secretary of Agriculture reported the matter to the United States attorney for the District of Colorado.

On September 3, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure of 4 gallons of Popsicle flavoring sirup, banana flavor, remaining in the original unbroken packages at Denver, Colo., consigned by the Joe Lowe Corporation, Los Angeles, Calif., in various consignments on or about April 15, June 22, and June 24, 1931, alleging that the article had been shipped in interstate commerce from Los Angeles, Calif., into the State of Colorado, and that it was adulterated and misbranded in violation of the food and drugs act. The article was labeled in part: "One Gallon * * * Banana Concentrate * * * the Popsicle Corporation of the United States—represented by two exclusive agents Joe Lowe Corporation, Citrus Products Company." The label also bore the statement in small, inconspicuous type: "Artificial flavor and color."

It was alleged in the libel that the article was adulterated in that a banana concentrate, artificially colored and flavored and containing little, if any, natural banana juice, had been substituted in part for the article, and had been mixed and packed with it so as to reduce and lower its quality. Adulteration was alleged for the further reason that the article had been mixed and colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statement "Banana Concentrate," was false and misleading, and deceived and misled the purchaser when applied to a concentrate artificially colored and flavored that contained