

commerce on or about August 13, 1935, by Walter W. Bliss, from Peckville, Pa., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On November 14, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**25619. Adulteration of huckleberries. U. S. v. 25 Crates of Huckleberries. Consent decree of condemnation and destruction. (F. & D. no. 36403. Sample no. 44282-B.)**

This case involved huckleberries that were found to contain maggots.

On August 15, 1935, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 25 crates of huckleberries at Buffalo, N. Y., alleging that the article had been shipped in interstate commerce on or about August 13, 1935, by Grossinger Bros., from Eynon, Pa., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Fresh-Pak Sun ripened Blue Ridge Mountain Huckleberries \* \* \* A. Grossinger, Eynon, Penna."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy, decomposed, or putrid vegetable substance.

On or about October 1, 1935, Grossinger Bros. having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**25620. Misbranding of canned dry peas. U. S. v. 79 Cases of Canned Dry Peas. Decrees of condemnation. Product released under bond to be relabeled. (F. & D. no. 36423. Sample no. 32506-B.)**

This case involved canned dry peas that were labeled to convey the impression that they were canned green peas.

On October 3, 1935, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 79 cases of canned dry peas at Memphis, Tenn., alleging that the article had been shipped in interstate commerce on or about August 19, 1935, by the Blytheville Canning Co., Inc., from Blytheville, Ark., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Miss-Co Brand Prepared From Dry Peas \* \* \* Packed by Blytheville Canning Co., Inc. Blytheville, Ark. [vignette showing two dishes of green peas]."

The article was alleged to be misbranded in that the prominent designation "Peas" was false and misleading and tended to deceive and mislead the purchaser when applied to a different generic product, viz, "dry peas" and was not corrected by the relatively inconspicuous word "Dry." The article was alleged to be further misbranded in that the vignette showing dishes of green peas was false and misleading and tended to deceive and mislead the purchaser since it suggested that the product was canned peas; whereas it consisted of dried peas, a different generic product. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, namely "Peas."

On November 21, 1935, the United States attorney for the Western District admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled under the supervision of this Department.

W. R. GREGG, *Acting Secretary of Agriculture.*

**25621. Adulteration of butter. U. S. v. Borden's Produce Co., Inc. Plea of guilty. Fine, \$50 and costs. (F. & D. no. 36051. Sample no. 31052-B.)**

The article in this case was labeled "butter" but it contained less than 80 percent by weight of milk fat.

On November 21, 1935, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Borden's Produce Co., Inc., Kansas City, Mo., alleging shipment in violation of the Food and Drugs Act as amended, on or about July 3, 1935, from Kansas City, Mo., to Scranton, Pa., of quantities

of butter that was adulterated. The article was labeled in part: (Carton) "One Pound Net Weight Farmfield Reg. U. S. Pat. Off. Fine Creamery Butter."

Adulteration of the product was charged under the allegations that it was a product that contained less than 80 percent by weight of milk fat and that it was a product which had been substituted for butter.

On February 14, 1936, a plea of guilty having been entered, a fine of \$50 and costs was imposed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**25622. Adulteration of canned salmon. U. S. v. 250 Cartons of Canned Salmon. Decree of condemnation. Product released under bond for segregation and destruction of decomposed portion. (F. & D. no. 36438. Sample no. 43311-B.)**

This case involved canned salmon which was in part decomposed.

On September 25, 1935, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 250 cartons of canned salmon at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about August 5, 1935, by the Kelley-Clarke Co., from Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Sea Harvest Brand Alaska Pink Salmon \* \* \* Packed for Wm. W. McBride Co., Seattle, Wash., Distributors."

The article was alleged to be adulterated in that it consisted in part of a decomposed animal substance.

On November 18, 1935, the Washington Fish & Oyster Co., Seattle, Wash., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that the decomposed portion be segregated and destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**25623. Misbranding of bone and meat scrap. U. S. v. 140 Bags of Bone & Meat Scrap. Default decrees of condemnation and destruction. (F. & D. no. 36440. Sample no. 8345-B.)**

This case involved a shipment of bone and meat scrap that contained less protein than declared on the label.

On or about October 1, 1935, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 140 bags of bone and meat scrap at Derwood, Md., alleging that the article had been shipped in interstate commerce on or about September 13, 1935, by Norton & Co., from Washington, D. C., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Bone & Meat Scrap Guaranteed Analysis Protein 50% \* \* \* Manufactured by Norton & Co., Washington, D. C."

The article was alleged to be misbranded in that the statement on the label, "Protein 50%", was false and misleading and tended to deceive and mislead the purchaser.

On December 17, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**25624. Adulteration and misbranding of alfalfa meal. U. S. v. 120 Bags of Alfalfa Meal. Decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 36442. Sample no. 8347-B.)**

This case involved a product sold as meal made from alfalfa leaf. Examination showed that it was not leaf meal and that it contained less protein and more fiber than declared on the label.

On or about September 30, 1935, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 120 bags of alfalfa meal at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about August 8, 1935, by the Saunders Mills, Inc., from Toledo, Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "Alfalfa Meal Leaf Velvet Brand \* \* \* Manufactured by Saunders Mills, Inc. Toledo, Ohio."

The article was alleged to be adulterated in that alfalfa meal had been substituted for alfalfa leaf meal which the article purported to be.

Misbranding was alleged for the reason that the following statements in the labeling were false and misleading and tended to deceive and mislead the pur-