

On May 23, 1936, 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.*

26044. Misbranding of canned peas. U. S. v. 266 Cases of Canned Peas. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 37481. Sample nos. 70611-B, 70612-B.)

This case involved canned peas that fell below the standard established by this Department because they were not immature, as evidenced by the presence of an excessive percentage of ruptured peas, and which were not labeled to indicate that they were substandard.

On March 28, 1936, the United States attorney for the district of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 266 cases of canned peas at Trenton, N. J., alleging that the article had been shipped in interstate commerce on or about August 22, 1935, by Phillips Packing Co., Inc., from Cambridge, Md., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Saleco Brand Early June Peas * * * Phillips Sales Co., Inc., Cambridge, Md., U. S. A. Distributors."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture since the peas were not immature and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On June 12, 1936, the Phillips Sales Co., Inc., having appeared as claimant and having consented to an entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled.

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

26045. Adulteration of walnut meats. U. S. v. 40 Cartons of Walnut Meats. Consent decree of condemnation. Product released under bond. (F. & D. no. 37485. Sample no. 65286-B.)

This case involved shipment of walnut meats that were in part worm-eaten, moldy, and decomposed.

On March 27, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 40 cartons of walnut meats at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about March 4, 1936, by D. Granton & Co., from Wilmington, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Ord Granton and Co. Ntfy Crescent Mfg. Co. Seattle, Wash."

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

On April 13, 1936, Granton & Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered that the product be released under bond conditioned that the good nuts be separated from the bad and the latter destroyed.

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

26046. Misbranding of canned tomatoes. U. S. v. 362 Cases of Canned Tomatoes. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. no. 37487. Sample no. 59189-B.)

This case involved an interstate shipment of canned tomatoes that fell below the standard established by the Department of Agriculture because they were not normally colored and normally flavored and they were not labeled to indicate that they were substandard.

On March 30, 1936, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 362 cases of canned tomatoes at El Reno, Okla., alleging that the article had been shipped in interstate commerce on or about October 6, 1935, by Chas. L. Diven, Inc., from Gentry, Ark., and that it was misbranded in violation of the Food and Drugs Act as amended. The article was labeled: "Cream of the Valley Brand Hand Packed Tomatoes Contents 1 Lb. 3 Oz. Cream of the Valley Supreme Chas. L. Diven, Inc. Main Office Gentry, Ark."

The article was alleged to be 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 the canned tomatoes were not normally colored and normally flavored, and the package did not bear a plain and conspicuous statement, as prescribed by the Secretary of Agriculture, indicating that it fell below such standard.

On April 10, 1936, Chas. L. Diven, Inc., claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it should not be sold or disposed of contrary to law.

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

26047. Adulteration and misbranding of ground coffee screenings. U. S. v. 10 Bags of Ground Coffee Screenings. Default decree of condemnation and destruction. (F. & D. no. 37488. Sample no. 68172-B.)

This case involved a shipment of ground coffee screenings that were found to contain coffee chaff.

On May 6, 1936, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 bags of ground coffee screenings at Portsmouth, Ohio, consigned on or about February 8, 1936, alleging that the article had been shipped in interstate commerce by Alexander Moseley, from Chicago, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "No. 1 Ground Coffee Screenings."

The article was alleged to be adulterated in that coffee chaff had been mixed and packed with the article so as to reduce its quality or strength; and in that coffee chaff had been substituted wholly or in part for coffee screenings, which the article purported to be.

The article was alleged to be misbranded in that the designation "Coffee Screenings" was false and misleading and tended to deceive and mislead the purchaser when applied to a product containing coffee chaff; and in that it was offered for sale under the distinctive name of another article, namely, coffee screenings.

On May 19, 1936, 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.*

26048. Misbranding of oleomargarine. U. S. v. 29 Cases and 9 Cases of Oleomargarine. Decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 37489. Sample nos. 22541-B, 22542-B.)

This case involved shipment of oleomargarine that was short in weight.

On March 30, 1936, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 29 cases, each containing 32 pound prints, and 9 cases, each containing 12 pound prints, of oleomargarine at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about March 17, 1936, by Swift & Co., from Fort Worth, Tex., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Cartons) "Swift's Allsweet One Pound Net Oleomargarine, Swift and Company, Chicago"; (wrappers) "Oleomargarine 1 Pound Net."

The article was alleged to be misbranded in that the statements on the carton and wrapper, "One Pound Net" and "1 Pound Net", were false and misleading and tended to deceive and mislead the purchaser when applied to a product in packages containing less than 1 pound; and in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package since the quantity stated was not correct.

On April 2, 1936, Swift & Co., 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 it be relabeled.

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

26049. Adulteration and misbranding of olive oil. U. S. v. 92 Bottles and 37 Bottles of Olive Oil. Default decree of condemnation. Product ordered destroyed or rendered unavailable for food. (F. & D. nos. 37490, 37491. Sample nos. 59198-B, 59199-B.)

These cases involved two interstate shipments of so-called olive oil that contained tea-seed oil; in one shipment the bottles were short in volume.