

the purchaser when applied to articles containing a glycol or a glycol ether, or both, poisons; and in that they were offered for sale under the distinctive names of other articles, food flavors.

On January 25, 1938, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

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

**28593. Misbranding of canned tomatoes. U. S. v. 638 Cases of Tomatoes. Decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 41255. Sample No. 2667-C.)**

This product was substandard because it was not normally colored and was not labeled to indicate that it was substandard.

On December 23, 1937, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 638 cases of tomatoes at Bessemer, Ala., alleging that the article had been shipped in interstate commerce on or about September 25, 1937, by Lewis Canning Co. from Tazewell, Tenn., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Blue Bird Brand Hand Packed Tomatoes \* \* \* Packed by J. S. Chittum, New Tazewell, Tenn."

It 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 in that the tomatoes were not normally colored, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard.

On March 21, 1938, J. S. Chittum, claimant, having admitted the material allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled under the supervision of this Department.

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

**28594. Adulteration of dried apricots. U. S. v. 56 Boxes of Dried Apricots. Default decree of condemnation and destruction. (F. & D. No. 41120. Sample No. 64009-C.)**

This product was found to be insect-infested.

On December 16, 1937, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 56 boxes of dried apricots at Fort George Wright, Wash., alleging that the article had been shipped in interstate commerce on or about June 28, 1937, by Tiedemann & McMorran from San Francisco, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "June 1937 Apricots \* \* \* Tiedemann & McMorran, S. F."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On February 2, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

**28595. Misbranding of canned peas. U. S. v. 240 Cases of Canned Peas. Decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 41121. Sample No. 65159-C.)**

This product fell below the standard established by this Department, since the peas were not immature and excessive foreign material was present, and it was not labeled to indicate that it was substandard.

On December 15, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 240 cases of canned peas at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about October 19, 1937, by Thomas Roberts & Co. from Denton, Md., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Nuttle Brand Early June Peas Packed By Nuttle Canning Company Denton, Md."

It 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 it contained excessive foreign material, and its package or label did not bear a plain and conspicuous state-