On February 3, 1938, the claimant having appeared and having filed an answer, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

28758. Adulteration of potatoes. U. S. 400 Sacks of Potatoes. Consent decree of condemnation. Property ordered released under bond conditioned that unfit portion be destroyed or denatured. (F. & D. No. 41576. Sample No. 7716–D.)

These potatoes were seriously damaged by net necrosis.

On January 31, 1938, the United States attorney for the Southern 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 400 sacks of potatoes at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about January 22, 1938, by Benjamin Balish Co., Inc., from Houlton, Maine, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Packed By Benjamin Balish Co. Inc. Houlton, Me."

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

On February 15, 1938, Benjamin Balish Co. Inc., having appeared and having admitted the allegations of the libel and consented, judgment of condemnation was entered, and the product was ordered released under bond conditioned that the good potatoes be separated from the bad under the supervision of this Department and that the bad be destroyed or denatured.

M. L. WILSON, *Acting Secretary of Agriculture.*

28759. Adulteration of dried pears. U. S. v. 34 Boxes of Dried Pears. Default decree of condemnation and destruction. (F. & D. No. 41406. Sample No. 60832–C.)

This product contained evidence of insect infestation and other filth.

On January 13, 1938, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 34 boxes of dried pears at Denver, Colo., consigned by the California Packing Corporation, alleging that the article had been shipped in interstate commerce on or about July 23, 1937, from San Jose, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Goody Goody Brand Fancy Northern Pears, Packed by California Packing Corporation, Main Office San Francisco, Calif."

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

On March 1, 1938, no claimant having appeared, judgment of condemnation, with order of destruction, was entered.

M. L. WILSON, *Acting Secretary of Agriculture.*

28760. Adulteration and misbranding of egg noodles. U. S. v. 285 Cases of Egg Noodles. Consent decree of condemnation and destruction. (F. & D. Nos. 41412 to 41416, incl. Sample Nos. 57168–C to 57172–C, incl.)

Certain samples of this product were found to be insect-infested, some to contain added coloring, and others to be short of the declared weight.

On January 13, 1938, the United States attorney for the Eastern 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 285 cases of egg noodles at New York, N. Y., alleging that the article had been shipped in interstate commerce by the Chicago Macaroni Co. from Chicago, Ill., on or about October 1, 13, and 23 and November 30, 1937, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Retail packages) "Cyrilla Brand Net Wt. 1 Lb. [or "12 oz." or "8 oz."] Pure Egg Noodles Manufactured By Chicago Macaroni Co., Chicago, Ill."

The article in certain lots was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance and in others in that it was mixed and colored in a manner whereby inferiority was concealed.

A portion was alleged to be misbranded in that the statement "Pure Egg Noodles" was false and misleading and tended to deceive and mislead the purchaser when applied to a product that was colored in a manner whereby its