

tion was entered and the product was ordered delivered to a charitable institution provided that the apples be peeled before use.

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

29612. Misbranding of canned peas. U. S. v. 31 Cases of Peas. Decree of condemnation and forfeiture. Product delivered to a charitable institution. (F. & D. No. 44075. Sample No. 41705-D.)

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

On October 5, 1938, 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 31 cases of canned peas at Philadelphia, Pa.; alleging that the article had been shipped in interstate commerce on or about June 14, 1938, by Frederica Packing Co. from Frederica, Del.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Early June Peas The Frederica Packing Co."

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 for such canned food, since the peas were not immature, 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 November 1, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution after removal of the cartons and wrappers.

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

29613. Misbranding of peanut butter. U. S. v. R. Grady Johnson (Louis-Anne Co.). Plea of guilty. Fine, \$10. (F. & D. No. 42583. Sample Nos. 16349-D, 29035-D.)

This product was short weight.

On October 24, 1938, the United States attorney for the Middle District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court an information against R. Grady Johnson, trading as Louis-Anne Co., at Brundidge, Ala., alleging shipping by said defendant in violation of the Food and Drugs Act as amended, on or about March 18, 1938, from the State of Alabama into the State of Louisiana, and on or about March 28, 1938, from the State of Alabama into the State of Georgia, of quantities of peanut butter which was misbranded. The article was labeled in part: "Louis-Anne Peanut Butter Net Wt. When Packed 24 Ozs. [or "32 Ozs."] Manufactured by Louis-Anne, Inc., Brundidge, Ala."

Misbranding was alleged in that the statements "Net Wt. When Packed 24 Ozs." and "Net Wt. When Packed 32 Ozs.," borne on the jar labels, were false and misleading; and in that the statements aforesaid were borne on the said jar labels so as to deceive and mislead the purchaser since the jars contained less than declared. Misbranding was alleged further in that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the quantity stated was not correct.

On October 25, 1938, the defendant entered a plea of guilty and the court imposed a fine of \$10.

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

29614. Adulteration of flour. U. S. v. 123 Sacks and 160 Sacks of Flour. Default decree of condemnation and destruction. (F. & D. Nos. 43444, 43445. Sample Nos. 38419-D, 38420-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to be insect-infested.

On August 23, 1938, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 283 sacks of flour at Little Rock, Ark.; alleging that the article had been shipped in part on or about June 22, 1938, by the Shellabarger Mill & Elevator Co. from Salina, Kans., and in part on or about July 13, 1938, by the McDaniel Milling Co., Inc., from Carthage, Mo.; and charging adulteration in violation of the Food and Drugs

Act. The article was labeled in part: "P. J. Star * * * Manufactured for Plunkett Jarrel Grocer Company."

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

On September 24, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

29615. Adulteration of flour. U. S. v. 42 Sacks of Flour. Default decree of condemnation and destruction. (F. & D. No. 43766. Sample No. 38459-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to be insect-infested.

On September 8, 1938, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 42 sacks of flour at Little Rock, Ark.; alleging that the article had been shipped on or about June 24, 1938, by the Wall-Rogalsky Milling Co. from McPherson, Kans.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Trombone Pure Quality Flour."

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

On September 30, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

29616. Adulteration of apples. U. S. v. 19 Bushels of Apples. Consent decree of condemnation and destruction. (F. & D. No. 43503. Sample No. 32715-D.)

This product was contaminated with arsenic and lead.

On August 12, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 19 bushels of apples at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about August 7, 1938, by E. A. Fichtner from Benton Harbor, Mich.; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that the article contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On August 18, 1938, the claimant having consented thereto, judgment of condemnation was entered and the product was ordered destroyed.

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

29617. Misbranding of canned cherries. U. S. v. 300 Cases of Cherries. Product ordered released under bond to be relabeled. (F. & D. No. 42905. Sample No. 28701-D.)

This product was substandard because it was water-packed and there was present more than 1 cherry pit per each 20 ounces of net contents, and it was not labeled to indicate that it was substandard.

On June 8, 1938, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 300 cases of canned cherries at Los Angeles, Calif.; alleging that the article had been shipped in interstate commerce on or about May 25, 1938, by William W. McBride Co. from Portland, Oreg.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Case) "Red Sour Pitted Cherries * * * Haas-Baruch L. A."

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, in that it was water-packed and the fruit was not pitted, since there was present more than 1 cherry pit per 20 ounces of net contents, 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 June 27, 1938, the Hillman Packing Co., claimant, having appeared and having admitted the allegations of the libel, judgment was entered ordering that the product be released under bond conditioned that it be relabeled.

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