

29892. Adulteration of shelled pecans. U. S. v. 4 Barrels of Shelled Pecans. Consent decree of condemnation. Product released under bond. (F. & D. No. 43357. Sample No. 24705-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be moldy, wormy, and dirty.

On August 25, 1938, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of four barrels of shelled pecans at Decatur, Ill.; alleging that the article had been shipped on or about June 15, 1938, by the R. E. Funsten Co. from St. Louis, Mo.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Funsten's King Topper Pecan Halves."

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

On September 13, 1938, the Purity Baking Co., Decatur, Ill., having appeared as claimant, judgment of condemnation was entered and that the product was ordered released under bond conditioned that it be sorted and the unfit portion destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29893. Adulteration of canned shrimp. U. S. v. 20 Dozen Cans and 24 Cases of Canned Shrimp. Default decrees of condemnation and destruction. (F. & D. Nos. 44004, 44024. Sample Nos. 24969-D, 24977-D.)

This product was in whole or in part decomposed.

On or about October 1 and 3, 1938, the United States attorney for the Southern District of Florida, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 20 dozen cans and 24 cases of canned shrimp at Tampa, Fla.; alleging that the article had been shipped in interstate commerce within the period from on or about August 13, 1938, to on or about August 29, 1938, by the J. H. Pelham Co. from Mobile, Ala.; and charging adulteration in violation of the Food and Drugs Act. A portion was labeled: "Seakist Brand Fancy Medium Shrimp * * * Packed By The J. H. Pelham Co. Pascagoula Miss." The remainder was labeled: "Fresh Sea Brand Small Shrimp * * * Distributed by Gulf Coast Sales Co. New Orleans, La."

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

On November 17 and 18, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29894. Adulteration of apples. U. S. v. 19 Crates of Apples. Consent decree of condemnation. Product released under bond. (F. & D. No. 44607. Sample No. 54004-D.)

This product was contaminated with arsenic and lead.

On or about December 2, 1938, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 19 crates of apples at South Bend, Ind.; alleging that the article had been shipped in interstate commerce on or about November 16, 1938, from Eau Claire, Mich., by John Redmond and Frank Wallace to themselves at South Bend, Ind.; and charging adulteration in violation of the Food and Drugs Act.

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

On December 15, 1938, Redmond and Wallace, South Bend, Ind., having appeared as claimants and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that the poisonous and deleterious ingredients be removed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29895. Adulteration and misbranding of flour. U. S. v. 453 Bags of Flour (and 3 similar seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 43464, 43465, 43466, 43617, 43618, 43620. Sample Nos. 23711-D, 23715-D, 23718-D, 38084-D, 38202-D, 38203-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to

be insect-infested. All lots were bleached but in one lot the label failed to declare that fact and in another lot it was inconspicuously declared.

On August 25 and September 1 and 6, 1938, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 453 bags of flour at Baton Rouge, La., 119 bags at Morgan City La., and 139 bags of the same product at New Iberia, La.; alleging that the article had been shipped in interstate commerce between the dates of January 11 and May 30, 1938, by the Burrus Mill & Elevator Co. from Fort Worth, Tex.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled variously in part: "White Dove Flour," "Sally Ann Flour," or "Light Crust Flour."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance. A portion was alleged to be adulterated further in that bleached flour had been substituted wholly or in part for the article.

A portion was alleged to be misbranded in that the statement "flour" was false and misleading and tended to deceive and mislead the purchaser when applied to bleached flour.

On November 5 and 9, 1938, no claimants having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29896. Adulteration of frozen shrimp. U. S. v. Charles F. Kraus (C. F. Kraus). Plea of guilty. Fine, \$25 and costs. (F. & D. No. 42592. Sample No. 14333-D.)

This product was decomposed.

On or about October 25, 1938, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Charles F. Kraus, trading as C. F. Kraus, Baltimore, Md., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about March 8, 1938, from the State of Massachusetts into the State of Maryland, of a quantity of frozen shrimp that was adulterated.

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

On December 5, 1938, the defendant entered a plea of guilty and the court imposed a fine of \$25 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29897. Misbranding of canned peas. U. S. v. 71 Cases of Canned Peas. Default decree of condemnation. Product delivered to a charitable institution. (F. & D. No. 42297. Sample No. 12312-D.)

This product was substandard because the peas were not immature, and it was not labeled to indicate that it was substandard.

On May 5, 1938, the United States attorney for the Northern 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 71 cases of canned peas at Amsterdam, N. Y.; alleging that the article had been shipped in interstate commerce on or about January 19, 1938, by New Oxford Canning Co. from New Oxford, Pa.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Nu-Ox-Co Brand * * * Early June Peas."

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 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 18, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution on condition that it be used by such institution.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29898. Adulteration of canned tomato paste. U. S. v. Page's Gold Medal Canning Co., Inc. Plea of guilty. Fine, \$150 on each of 3 counts: payment suspended on all counts but first. (F. & D. No. 42548. Sample Nos. 1227-D, 9981-D, 9988-D, 22423-D.)

This product contained excessive mold.

On August 8, 1938, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the