

Tacoma, Wash.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Moon Winks Brand Water Pack R. S. P. Cherries."

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 there was present more than 1 cherry pit per each 20 ounces of net contents, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it fell below such standard.

On February 8, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

**30128. Misbranding of canned peas. U. S. v. 750 Cases of Canned Peas. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 43024. Sample No. 14622-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 July 9, 1938, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 750 cases of canned peas at Charlestown, Mass.; alleging that the article had been shipped in interstate commerce on or about March 29, 1938, from Baltimore, Md., by A. W. Sisk & Son; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Sky Chief Brand Early June Peas \* \* \* packed by Lineboro Canning Company, Inc. Lineboro, Md."

Misbranding was alleged in that the article 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 regulation of this Department indicating that it fell below such standard.

On September 19, 1938, the Lineboro Canning Co., Inc., claimant, having admitted the 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.

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

**30129. Adulteration of crab meat. U. S. v. One Barrel of Crab Meat. Default decree of condemnation and destruction. (F. & D. No. 43796. Sample No. 34084-D.)**

This product contained evidence of the presence of filth.

On August 26, 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 one barrel of crab meat at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about August 23, 1938, by F. H. Ayers & Son from Portsmouth, Va.; and charging adulteration in violation of the Food and Drugs Act.

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

On September 9, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

**30130. Adulteration of apples. U. S. v. 72 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. No. 44606. Sample No. 46078-D.)**

This product was contaminated with arsenic and lead.

On November 17, 1938, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 72 bushels of apples at Evansville, Ind.; alleging that the article had been shipped in interstate commerce on or about November 9, 1938, from Lawrence, Mich., by Richard Trice to himself at Evansville, Ind.; and charging adulteration in violation of the Food and Drugs Act. It was labeled in part: "C S Hammond Lawrence Mich Cleaned Apples Delicious."