

30922. Misbranding of canned peas. U. S. v. 98 Cases of Canned Peas. Consent decree of condemnation and forfeiture. Product released under bond conditioned that the peas be relabeled. (F. & D. No. 45561. Sample No. 61081-D.)

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

On September 11, 1939, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 98 cases of canned peas at New Orleans, La.; alleging that the article had been shipped in interstate commerce from Baltimore, Md., on or about June 12, 20, and 26, 1939, by Lord-Mott Co.; and charging misbranding in violation of the Food and Drugs Act. It was labeled in part: "Cottage Brand Early June Peas."

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, since the peas were not immature and the label did not bear a plain and conspicuous statement prescribed by regulations of this Department indicating that it fell below such standard.

On October 20, 1939, Lord-Mott Co., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered and the product was ordered released under bond for relabeling.

GROVER B. HILL, *Acting Secretary of Agriculture.*

30923. Adulteration of red perch fillets. U. S. v. 258 Boxes of Red Perch Fillets. Default decree of condemnation and destruction. (F. & D. No. 45484. Sample No. 65258-D.)

This product was infested with parasitic worms.

On June 13, 1939, 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 258 boxes of red perch fillets at Indianapolis, Ind.; alleging that the article had been shipped in interstate commerce on or about May 26, 1939, by R. O'Brien & Co. from Boston, Mass.; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that the article consisted wholly or in part of a filthy animal substance.

On July 26, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

GROVER B. HILL, *Acting Secretary of Agriculture.*

30924. Adulteration of candy. U. S. v. Metro Chocolate Co., Inc. Plea of guilty. Fine, \$400. (F. & D. No. 42714. Sample Nos. 14623-D, 30196-D.)

Samples of this product were found to contain insect and worm excreta and other filth.

On June 23, 1939, 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 an information against the Metro Chocolate Co., Inc., Brooklyn, N. Y., alleging shipment by said company on or about June 16 and November 4, 1938, from the State of New York into the States of Massachusetts and New Jersey of quantities of candies which were adulterated. The articles were labeled in part: "Metro Milky Caramels" or "Metro Cocomanut Fancies."

Adulteration was alleged in that the article consisted in whole or in part of a filthy vegetable substance.

On July 21, 1939, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$400.

GROVER B. HILL, *Acting Secretary of Agriculture.*

30925. Adulteration of butter. U. S. v. Cecil E. Romine, Joe B. Romine, George W. Romine, and Kelsie R. Romine (Romine's Creamery Co.). Pleas of guilty. Fine, \$25. (F. & D. No. 42724. Sample No. 54116-D.)

This product contained less than 80 percent by weight of milk fat.

On July 6, 1939, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the above-named defendants, alleging shipment by them on or about January 5, 1939, from the State of Kansas into the State of Illinois of a quantity of butter which was adulterated.

Adulteration was alleged in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which

should contain not less than 80 percent by weight of milk fat, as prescribed by the act of March 4, 1923.

On July 28, 1939, pleas of guilty having been entered by the defendants, the court imposed a fine of \$25 to cover all defendants.

GROVER B. HILL, *Acting Secretary of Agriculture.*

30926. Misbranding of canned peas. U. S. v. 42 Cases of Canned Peas. Default decree entered ordering product delivered to charitable institutions. (F. & D. No. 45555. Sample No. 67637-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 or about August 28, 1939, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 42 cases of canned peas at New Britain, Conn.; alleging that the article had been shipped in interstate commerce on or about August 1, 1939, by Bruder & Zweil, Inc., from Providence, R. I.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Admiration Selected Early June Peas * * * Edwin Smithson Company Incorporated Distributors New York."

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 indicating that it fell below such standard.

On November 20, 1939, no claimant having appeared, judgment was entered ordering that the product be distributed to charitable institutions, and that the containers be destroyed.

GROVER B. HILL, *Acting Secretary of Agriculture.*

30927. Adulteration of Limburger type cheese. U. S. v. 100 Cartons of Smith's Limburger Type Cheese (and 8 other seizure actions against Limburger type cheese). Default decrees of condemnation and destruction. (F. & D. Nos. 44584 to 44592, inclusive. Sample Nos. 27197-D, 27198-D, 27199-D, 59321-D, 59322-D, 59325-D, 59326-D, 59327-D, 59328-D.)

This product had been shipped in interstate commerce and remained unsold and in the original packages. At the time of examination it was found to contain insect fragments.

On December 28, 1938, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 312 cartons, 199 boxes, 233 cases, and 14 bundles of Limburger type cheese at Scranton, Pa.; alleging that the article had been shipped within the period from July 1, 1938, to on or about November 2, 1938, by J. & H. Van Vleck from Westernville, N. Y.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Units) "Smith's Limburger Type Cheese Made in America. G. Smith and Sons Incorporated, Seelyville, Pa."

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

On August 4, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

GROVER B. HILL, *Acting Secretary of Agriculture.*

30928. Misbranding of canned tomatoes. U. S. v. 496 Cases of Tomatoes. Consent decree of condemnation. Product released under bond to be re-labeled. (F. & D. No. 45569. Sample No. 82050-D.)

This product fell below the standard established by this Department because it was not normally colored and it was not labeled to indicate that it was substandard.

On October 16, 1939, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 496 cases of canned tomatoes at Oklahoma City, Okla.; alleging that the article had been shipped in interstate commerce on or about September 21 and 22, 1939, by Nelson Canning Co. from Springdale, Ark.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Nelson's Hand Packed Tomatoes."