

31064. Adulteration of canned mackerel. U. S. v. 100 Cases of Canned Mackerel. Default decree of condemnation and destruction. (F. & D. No. 44106. Sample No. 33987-D.)

This product was in whole or in part decomposed.

On October 13, 1938, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 100 cases of canned mackerel at Zebulon, N. C.; alleging that the article had been shipped in interstate commerce on or about September 22, 1938, by Foote Bros. & Co. from Norfolk, Va.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Sunset Brand California Mackerel Packed by Southern California Fish Corporation Los Angeles Harbor Calif."

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

On March 11, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

31065. Misbranding of canned tomatoes. U. S. v. 99 Cases of Canned Tomatoes. Decree of condemnation and forfeiture. Product released under bond for relabeling. (F. & D. No. 45585. Sample No. 75570-D.)

This product was substandard because it was not normally colored, and it was not labeled to indicate that it was substandard.

On January 11, 1940, the United States attorney for the Eastern District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the district court a libel against 99 cases, each containing 24 cans, of tomatoes at Alva, Ky.; alleging that the article had been shipped in interstate commerce on or about October 18, 1939, by Vannoy & Bailey from Tazewell, Tenn.; and charging that it was misbranded. The article was labeled in part: "Powell's Mountain Brand Hand Packed Tomatoes."

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 it was not normally colored, and its package or label did not bear a plain and conspicuous statement indicating that it fell below such standard.

On February 24, 1940, Vannoy & Bailey, claimants, having admitted that the product was misbranded and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered and it was ordered that the product be released to the claimants under bond, for relabeling.

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

31066. Adulteration of butter. U. S. v. Lisbon Cooperative Creamery Co., Inc. Plea of nolo contendere. Fine, \$250 and costs. (F. & D. No. 42773. Sample No. 26878-D.)

This product was found to be deficient in milk fat.

On November 20, 1939, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Lisbon Cooperative Creamery Co., Inc., DeWitt, Iowa, alleging shipment in interstate commerce on or about June 6, 1939, from DeWitt, Iowa, into the State of New York, of a quantity of butter that was adulterated.

The article was alleged to be adulterated in that a product that contained less than 80 percent by weight of milk fat had been substituted for butter, a product that should contain not less than 80 percent by weight of milk fat, as prescribed by law.

On April 2, 1940, a plea of nolo contendere having been entered on behalf of the defendant, a fine of \$250 and costs was imposed.

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

31067. Misbranding of canned tomatoes. U. S. v. 223 Cases of Canned Tomatoes. Decree of condemnation and forfeiture. Product released under bond for relabeling. (F. & D. No. 45589. Sample No. 75568-D.)

This product was substandard because it was not normally colored, and it was not labeled to indicate that it was substandard.

On January 11, 1940, the United States attorney for the Eastern District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the district court a libel against 223 cases, each containing 24 cans, of tomatoes at Harlan, Ky.; alleging that the article had been shipped in interstate commerce on or about August 11, 1939, by the L. S. Sloat Canning Co. from

Morristown, Tenn.; and charging that it was misbranded. The article was labeled in part: "White's Best Brand Tomatoes * * * T. B. White Canning Company, Whitesburg, Tenn."

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 it was not normally colored, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On February 15, 1940, the T. B. White Canning Co., Whitesburg, Tenn., having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered and it was ordered that the product be released under bond for relabeling.

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

31068. Misbranding of canned peas. U. S. v. 447 Cases of Canned Peas. Consent decree of condemnation and forfeiture. Product released under bond for relabeling. (F. & D. No. 45601. Sample No. 98683-D.)

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

On March 11, 1940, 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 against 447 cases, each containing 24 cans, of peas at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about October 17, 1939, by Albert W. Sisk & Son from Preston, Md.; and charging that it was misbranded. The article was labeled in part: "Fame and Glory Brand Run of Pod Early June Peas * * * Packed by John W. Humbert, Union Mills, Md."

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, in that the peas were not immature, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On April 5, 1940, John W. Humbert, Union Mills, Md., having entered a claim for the product and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered and it was ordered that the product be released under bond for relabeling in compliance with the law.

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

31069. Adulteration of maple sirup and maple sugar. U. S. v. 37 Drums of Maple Sirup and 218 Bags of Maple Sugar (and 2 other seizure actions against maple sirup). Products ordered released under bond to be deleaded. (F. & D. Nos. 45607 to 45612, incl. Sample Nos. 68994-D to 68999-D, incl.)

These products contained lead.

On June 27, 1939, the United States attorney for the District of Vermont, acting upon reports by the Secretary of Agriculture, filed libels against 282 drums of maple sirup and 218 bags of maple sugar at Burlington, Vt.; alleging that the articles had been shipped in interstate commerce by United Maple Products, Ltd., from Morrissette, Quebec, Canada, on or about June 8, 1939; and charging that they were adulterated in violation of the Food and Drug Act.

The articles were alleged to be adulterated in that they contained an added poisonous or deleterious ingredient, lead, which might have rendered them injurious to health.

On July 7, 1939, United Maple Products, Ltd., having appeared as claimant and having admitted the allegations of the libels, judgments were entered ordering that the products be released to the claimant, upon the execution of a bond conditioned that they be deleaded under the supervision of this Department.

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

31070. Adulteration of whisky. U. S. v. 2 Quarts, 58 Pints, and 211 Half Pints of Whisky. Consent decree of condemnation and destruction. (F. & D. No. 45603. Sample No. 72457-D.)

Analysis showed that this product contained excessive quantities of aldehydes.

On January 29, 1940, the United States attorney for the District of Nebraska filed a libel against 2 quarts, 58 pints, and 211 half pints of whisky at Omaha, Nebr.; alleging that the article had been shipped in interstate commerce on or about September 2, 1938, by Wathen Bros. from Bardstown, Ky.; and charging