

tended to deceive and mislead the purchaser; and for the further reason that the articles were offered for sale under the distinctive names of other articles.

On September 8, 1934, no claimant having appeared, judgment of condemnation was entered and destruction of the products was ordered.

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

**23057. Misbranding of canned peas. U. S. v. 1,000 Cases of Canned Peas. Decree of condemnation. Product released under bond to be re-labeled.** (F. & D. no. 33142. Sample nos. 334-B, 392-B.)

This case involved a shipment of canned peas which fell below the standard established by this Department, because of the presence of excessive hard peas, and which was not labeled to show that it was substandard.

On July 28, 1934, 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 1,000 cases of canned peas at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce, on or about June 16, 1934, by the Phillips Sales Co., from Baltimore, Md., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Phillips Delicious Early June Peas \* \* \* Packed by Phillips Packing Company, Inc. Cambridge, Md."

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, because of excessive hard peas, 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 August 10, 1934, the Phillips Sales Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled under the supervision of this Department.

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

**23058. Adulteration of crab meat. U. S. v. 100 Cans of Crab Meat. Default decree of condemnation and forfeiture.** (F. & D. no. 33142. Sample no. 4666-B.)

This case involved a shipment of crab meat which was found to contain filth.

On July 28, 1934, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying seizure and condemnation of 100 cans of crab meat at Washington, D. C., alleging that the article had been shipped in interstate commerce on or about July 25, 1934, by Amory & Holloway, from Hampton, Va., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy animal substance.

On September 22, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered, and it was ordered that the product be disposed of in such manner as would not violate the provisions of the Food and Drugs Act.

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

**23059. Adulteration of frozen eggs. U. S. v. 212 Cans of Frozen Whole Eggs. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. no. 33151. Sample no. 210-B.)

This case involved a shipment of frozen eggs that were found to be in part decomposed.

On August 3, 1934, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 212 cans of frozen eggs at Denver, Colo., consigned by the Omaha Cold Storage Co., Omaha, Nebr., alleging that the article had been shipped in interstate commerce, on or about May 23, 1934, from Omaha, Nebr., and charging adulteration in violation of the Food and Drugs Act.

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

On September 11, 1934, the Omaha Cold Storage Co., having appeared as claimant and having admitted the allegations of the libel, judgment of con-

demnation and forfeiture was entered, and it was ordered that the product be released under bond, conditioned that it should not be disposed of in violation of the Food and Drugs Act.

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

**23060. Misbranding of canned tuna. U. S. v. 108 Cases and 25 Cases of Canned Tuna. Decrees of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. nos. 33160, 33161. Sample no. 63231-A.)**

These cases involved a product consisting of so-called scrap meat or tuna flakes which was labeled to convey the impression that it was solid-pack tuna.

On August 6, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 133 cases of canned tuna at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce from Wilmington, Calif., on or about June 26, 1934, and that it was misbranded in violation of the Food and Drugs Act. The shipment was made by the Halfhill Co., Ltd., Los Angeles. The article was labeled in part: "Better-Than-Chicken Brand Fancy White Tuna [picture showing contents of a can of solid-pack tuna] Packed in Japan \* \* \* For Halfhill Packing Corporation, Inc. Long Beach, Calif. \* \* \* Flakes", the word "Flakes" being inconspicuous.

The article was alleged to be misbranded in that the statement "Fancy White Tuna" and the picture of contents of a can of solid-pack tuna were false and misleading and tended to deceive and mislead the purchaser, and the impression given by the said statement and picture was not corrected by the inconspicuous word "Flakes."

On August 31, 1934, George Bornet, Philadelphia, Pa., having appeared as claimant, judgments of condemnation and forfeiture were entered, and it was ordered that the product be released under bond, conditioned that it be relabeled.

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

**23061. Misbranding of apple jack brandy. U. S. v. 172 Bottles of Old Hunt Club Apple Jack Brandy. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 33177. Sample no. 4675-A.)**

This case involved a shipment of apple jack brandy that was short volume. The product was labeled, "90 proof", but was found to be 77.5 proof.

On August 8, 1934, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying seizure and condemnation of 172 bottles of apple jack brandy at Washington, D. C., alleging that the article had been shipped in interstate commerce, on or about June 7, 1934, by the Old Prescription Co., Inc., from Jersey City, N. J., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Old Hunt Club Apple Jack Brandy Net Contents One Pint Alcoholic Contents 90 Proof \* \* \* Old Prescription Company, Inc. New York."

The article was alleged to be misbranded in that the statements on the bottle label, "Net Contents One Pint Alcoholic Contents 90 proof", were false and misleading and tended to deceive and mislead the purchaser; and for the further reason that it 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 statement made was incorrect.

On August 11, 1934, the Old Prescription Co., having appeared as claimant, judgment of condemnation and forfeiture was entered, and it was ordered that the product be released under bond conditioned that it be relabeled in a manner approved by this Department.

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

**23062. Misbranding of salad oil. U. S. v. 26 Cans of Salad Oil. Default decree of condemnation. Product delivered to charitable institutions. (F. & D. no. 33179. Sample no. 6599-B.)**

This case involved a product consisting chiefly of domestic cottonseed oil, with olive oil odor and flavor, that was labeled to convey the impression that it was olive oil.

On or about August 10, 1934, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the