

was labeled in part: "Webster's Select Quality Early June Peas * * * Packed by G. L. Webster Canning Co. Incorporated Cheriton Virginia."

It was alleged in the libel, as amended, that the article was misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, in that it did not consist of immature peas, since more than 25 percent by count were ruptured 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 December 19, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be delivered to a relief organization on condition that the labels be removed immediately, and that it be used for relief purposes and not sold.

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

24128. Adulteration of canned shrimp. U. S. v. 324 Cartons of Canned Shrimp. Consent decree of condemnation. Product released under bond for segregation and destruction of decomposed portion. U. S. v. 98 Cases, 196 Cases, and 90 Cases of Canned Shrimp. Default decrees of condemnation and destruction. (F. & D. nos. 3363A, 33647, 34111. Sample nos. 1784-B, 4038-B, 12075-B, 12076-B.)

These cases involved interstate shipments of canned shrimp which was found to be in part decomposed.

On October 8, October 24, and October 26, 1934, the United States attorneys for the Northern District of California and the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the respective district courts libels praying seizure and condemnation of 384 cases of canned shrimp at San Francisco and Oakland, Calif., and 1,125 cartons of canned shrimp at Seattle, Wash. On November 19, 1934, the libel filed in the Western District of Washington was amended and as amended covered 324 cases of the product instead of the 1,125 covered by the original libel. The libels alleged that the article had been shipped in interstate commerce in part on or about August 24, 1934, and in part on or about September 23, 1934, by the Dunbar-Dukate Co., Inc., from New Orleans, La., and that it was adulterated in violation of the Food and Drugs Act. A portion of the article was labeled: "Dunbar Brand Small Salad Shrimp * * * Distributed by Dunbar-Dukate Co., Inc. New Orleans, La." The remainder was labeled: "Original Dunbar Shrimp * * * Packed by Dunbar-Dukate Co., Inc. New Orleans, La."

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

On December 12, 1934, no claimant having appeared for the lots libeled in the Northern District of California, judgments of condemnation were entered and it was ordered that the said lots be destroyed. On January 16, 1935, the Dunbar-Dukate Co., Inc., having appeared as claimant for the lot libeled at Seattle, Wash., and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the said lot be released to the claimant under bond, conditioned that the decomposed portion be segregated and destroyed.

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

24129. Adulteration of apples. U. S. v. 78 Bushels of Apples. Default decree of destruction. (F. & D. no. 33747. Sample no. 4242-B.)

Examination of the apples involved in this case showed the presence of arsenic and lead in amounts that might have rendered them injurious to health.

On September 29, 1934, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 78 bushels of apples at Neosho, Mo., alleging that the article had been shipped in interstate commerce on or about September 26, 1934, by J. T. McMurry, from Rogers, Ark., and charging adulteration in violation of the Food and Drugs Act.

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

On January 17, 1935, no claimant having appeared, judgment was entered ordering that the product be destroyed.

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