

from Minster, Ohio, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "V and H Fancy Whole Tomato Puree * * * Packed by Minster Canneries, Inc., Minster, O."

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

On March 30, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

24454. Misbranding of canned peas. U. S. v. 366 Cases of Canned Peas. Consent decree of forfeiture. Product released under bond to be relabeled. (F. & D. no. 35065. Sample no. 19816-B.)

This case involved a shipment of canned peas which were represented to consist of small peas but which consisted of a mixture of large and small peas. The article also fell below the standard established by this Department for canned peas, and was not labeled to indicate that it was substandard.

On February 7, 1935, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 366 cases of canned peas at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce on or about December 10, 1934, by the Clyman Canning Co., from Hartford, Wis. (packer, Brownsville Canning Co., Brownsville, Wis.), and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Sunshine Brand Very Small Peas * * * Distributed by The Flach Bros. Grocery Co. Cincinnati, Ohio."

The article was alleged to be misbranded in that the statement on the label, "Very Small Peas", was false and misleading and tended to deceive and mislead the purchaser when applied to a product which was a mixture of large and small peas. Misbranding was alleged for the further reason that the article was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture because it was not normally flavored, 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 March 5, 1935, the Hustisford Canning Co., Hustisford, Wis., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of forfeiture 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.*

24455. Adulteration of apples. U. S. v. 135 Bushels and 100 Bushels of Apples. Default decrees of condemnation and destruction. (F. & D. nos. 35073, 35093. Sample nos. 29237-B, 29262-B.)

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

On December 22, 1934, and January 3, 1935, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 235 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 11 and October 12, 1934, by W. E. Daly, in part from Benton Harbor and in part from Riverside, Mich., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "W. E. Daly, Riverside, Mich. N. W. Greening."

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

On February 16, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

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

24456. Adulteration of tomato catsup. U. S. v. 387 Cases, et al., of Tomato Catsup. Default decrees of condemnation and destruction. (F. & D. nos. 35068, 35071, 35134. Sample nos. 25481-B, 25483-B, 29084-B.)

These cases involved tomato catsup that contained excessive mold.

On February 9, 1935, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in