

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

the district court a libel praying seizure and condemnation of 387 cases of tomato catsup at Milwaukee, Wis. On February 8 and February 12, 1935, libels were filed in the Northern District of Illinois against 120 cases of tomato catsup at Chicago, Ill. It was alleged in the libels that the article had been shipped in interstate commerce in various lots on or about September 7, September 15, 1934, and January 7, 1935, by the Morgan Packing Co., from Austin, Ind., and charging adulteration in violation of the Food and Drugs Act. The article was labeled, variously: "Columbus Brand Tomato Catsup Columbus Packing Co. Columbus, Ind."; "Eifel Brand Tomato Catsup \* \* \* Packed for See & Company Chicago, Ill."; "Oh-Boy Brand Tomato Catsup \* \* \* Distributed by Karasik Brothers Co. Chicago, Ill."

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

On March 21, March 26, and March 27, 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.*

**24457. Adulteration of butter. U. S. v. 45 Pounds of Butter. Default decree of condemnation and destruction.** (F. & D. no. 35104. Sample no. 4783-B.)

This case involved a shipment of butter that contained rodent, cow, and human hairs, and nondescript dirt.

On January 14, 1935, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 45 pounds of butter at Baltimore, Md., consigned by the Porter Produce Co., alleging that the article had been shipped in interstate commerce on or about January 7, 1935, from Johnson City, Tenn., into the State of Maryland, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "From Porter Produce Company \* \* \* Johnson City, Tennessee."

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

On March 4, 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.*

**24458. Adulteration of spinach. U. S. v. 864 Baskets of Spinach. Default decree of condemnation and destruction.** (F. & D. no. 35069. Sample no. 8635-B.)

This case involved a shipment of spinach which was worm-infested.

On February 6, 1935, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 864 baskets of spinach at Butte, Mont., alleging that the article had been shipped in interstate commerce on or about January 14, 1935, by the R. V. Dublin Co., from Laredo, Tex., 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 filthy vegetable substance.

On March 28, 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.*

**24459. Adulteration of tomato puree. U. S. v. 176 Cases of Tomato Puree. Default decree of condemnation and destruction.** (F. & D. no. 35113. Sample no. 25161-B.)

This case involved an interstate shipment of canned tomato puree that contained excessive mold.

On February 9, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 176 cases of tomato puree at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 8, 1934, by the Butterfield Canning Co., from Muncie, Ind., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Monarch Tomato Puree \* \* \* Reid, Murdoch and Company Distributors, Chicago, Illinois."