

commerce on or about August 13, 1935, by Walter W. Bliss, from Peckville, Pa., and charging adulteration in violation of the Food and Drugs Act.

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

On November 14, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**25619. Adulteration of huckleberries. U. S. v. 25 Crates of Huckleberries. Consent decree of condemnation and destruction. (F. & D. no. 36403. Sample no. 44282-B.)**

This case involved huckleberries that were found to contain maggots.

On August 15, 1935, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 25 crates of huckleberries at Buffalo, N. Y., alleging that the article had been shipped in interstate commerce on or about August 13, 1935, by Grossinger Bros., from Eynon, Pa., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Fresh-Pak Sun ripened Blue Ridge Mountain Huckleberries \* \* \* A. Grossinger, Eynon, Penna."

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

On or about October 1, 1935, Grossinger Bros. having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**25620. Misbranding of canned dry peas. U. S. v. 79 Cases of Canned Dry Peas. Decrees of condemnation. Product released under bond to be relabeled. (F. & D. no. 36423. Sample no. 32506-B.)**

This case involved canned dry peas that were labeled to convey the impression that they were canned green peas.

On October 3, 1935, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 79 cases of canned dry peas at Memphis, Tenn., alleging that the article had been shipped in interstate commerce on or about August 19, 1935, by the Blytheville Canning Co., Inc., from Blytheville, Ark., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Miss-Co Brand Prepared From Dry Peas \* \* \* Packed by Blytheville Canning Co., Inc. Blytheville, Ark. [vignette showing two dishes of green peas]."

The article was alleged to be misbranded in that the prominent designation "Peas" was false and misleading and tended to deceive and mislead the purchaser when applied to a different generic product, viz, "dry peas" and was not corrected by the relatively inconspicuous word "Dry." The article was alleged to be further misbranded in that the vignette showing dishes of green peas was false and misleading and tended to deceive and mislead the purchaser since it suggested that the product was canned peas; whereas it consisted of dried peas, a different generic product. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, namely "Peas."

On November 21, 1935, the United States attorney for the Western District 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.

W. R. GREGG, *Acting Secretary of Agriculture.*

**25621. Adulteration of butter. U. S. v. Borden's Produce Co., Inc. Plea of guilty. Fine, \$50 and costs. (F. & D. no. 36051. Sample no. 31052-B.)**

The article in this case was labeled "butter" but it contained less than 80 percent by weight of milk fat.

On November 21, 1935, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Borden's Produce Co., Inc., Kansas City, Mo., alleging shipment in violation of the Food and Drugs Act as amended, on or about July 3, 1935, from Kansas City, Mo., to Scranton, Pa., of quantities