

25677. Misbranding of canned peas. U. S. v. 700 Cases of Canned Peas. Claimant's motion for release denied. Judgment of condemnation. Product ordered sold. (F. & D. no. 36548. Sample no. 45489-B.)

This case involved a shipment of canned peas that fell below the standard established by the Secretary of Agriculture and were not labeled to indicate that they were substandard.

On or about November 2, 1935, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 700 cases of canned peas at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about June 25, 1935, by the Eastern Shore Canning Co., from Machipongo, Va., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Escco Brand Early June Peas * * * Packed by The Eastern Shore Canning Co., Machipongo, Va."

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 for such canned food, because the peas were not immature since more than 25 percent were ruptured, 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 July 29, 1936, the case having come on for hearing on the claimant's motion for redelivery for relabeling, and said motion having been denied for cause, judgment of condemnation and forfeiture was entered and it was ordered that the product be relabeled and sold by the United States marshal and the proceeds paid into the Treasury of the United States.

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

25678. Adulteration of butter. U. S. v. 1 Tub of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 36550. Sample no. 39876-B.)

This product contained mold, human hairs, cow hair, and nondescript dirt.

On October 11, 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 one tub of butter at Baltimore, Md., alleging that the article had been shipped in interstate commerce, on or about October 8, 1935, from Potomac View, Va., to Baltimore, Md., and charging adulteration in violation of the Food and Drugs Act. The shipment was made by E. Fallin Bros., Potomac View, Va.

Adulteration of the product was charged under the allegation that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On November 19, 1935, no claimant having appeared, a default decree of condemnation, forfeiture, and destruction was entered.

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

25679. Adulteration of butter. U. S. v. 1 Can of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 36553. Sample no. 39884-B.)

This product contained maggots, rodent hairs, insect, and nondescript dirt.

On October 16, 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 one can of butter at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about October 14, 1935, from Gretna, Va., and charging adulteration in violation of the Food and Drugs Act. Shipment was made by W. B. Hunt, Gretna, Va. The article was labeled in part: (Shipping tag) "W. B. Hunt Gretna Va."

Adulteration of the product was charged under the allegation that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On November 21, 1935, no claimant having appeared, a default decree of condemnation, forfeiture, and destruction was entered.

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