

27109. Misbranding of canned peas. U. S. v. 14 Cases and 18 $\frac{1}{4}$ Cases of Canned Peas. Default decrees of condemnation and destruction. (F. & D. nos. 39070, 39119. Sample nos. 28494-C, 29755-C.)

This product was labeled to convey the impression that it consisted of immature peas, whereas it had been prepared from soaked dry peas.

On February 11 and 24, 1937, the United States attorney for the Western District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 32 $\frac{1}{4}$ cases of canned peas at Monongahela, Pa., alleging that the article had been shipped in interstate commerce on or about October 14, 1936, and February 5, 1937, by the Elyria Canning Co., from Elyria, Ohio, and charging misbranding in violation of the Food and Drugs Act. It was labeled in part: "May-Pole Brand Prepared from dry Peas * * * Packed by Elyria Canning Co. Elyria, Lorain Co. Ohio."

The article was alleged to be misbranded in that the design of a dish of bright green peas on the label and the relative inconspicuousness of the statement "prepared from dry," as compared with that of the word "peas", were false and misleading and tended to deceive and mislead the purchaser when applied to an article that was prepared from soaked dry peas.

On April 8, 1937, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

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

27110. Adulteration of lima beans. U. S. v. 150 Bags of Lima Beans. Decree of condemnation. Product released under bond subject to segregation and destruction of deleterious portion. (F. & D. nos. 39121, 39122, 39123. Sample no. 21634-C.)

This case involved lima beans a part of which were contaminated with lead.

On February 24, 1937, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 150 bags of lima beans at New Orleans, La., alleging that they had been shipped in interstate commerce on or about October 14, 1936, by Bryant & Cookingham, Inc., from Los Angeles, Calif., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous and deleterious ingredient, lead, which might have rendered it injurious to health.

On March 25, 1937, Benham, Inc., New Orleans, La., having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond subject to reconditioning by segregating and destroying the deleterious portion.

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

27111. Adulteration of lima beans. U. S. v. 401 Bags of Lima Beans. Decree of condemnation. Product released under bond subject to segregation and destruction of deleterious portion. (F. & D. no. 39124. Sample no. 21635-C.)

This case involved lima beans a part of which were contaminated with lead.

On February 24, 1937, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 401 bags of lima beans at New Orleans, La., alleging that they had been shipped in interstate commerce on or about October 15, 1936, by Hamilton & Co., from Los Angeles, Calif., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous and deleterious ingredient, lead, which might have rendered it injurious to health.

On March 4 and March 25, 1937, Swayne & Hoyt, Ltd., New Orleans, La., having filed a claim as agent for L. H. Hayward & Co., New Orleans, La., the owner, and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond subject to reconditioning by segregating and destroying the deleterious portion.

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