

27282. Adulteration of flour. U. S. v. 4,000 24-Pound Sacks of Flour. Product released under bond conditioned that good portion be used for animal feed. (F. & D. no. 37603. Sample nos. 63156-B, 63157-B.)

This product was in part moldy and filthy as a result of contact with flood waters.

On April 21, 1936, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 4,000 24-pound sacks of flour at Cedar Rapids, Iowa, alleging that the article had been shipped in interstate commerce on or about March 28, 1936, by the Quaker Oats Co., of Chicago, Ill., from Pittsburgh, Pa., and charging adulteration in violation of the Food and Drugs Act. It was labeled in part: "Red Top Flour * * * Packed for M. Rom & Sons Company, Pittsburgh, Pa."

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

On June 30 and August 3, 1936, the Quaker Oats Co., claimant, having consented thereto, a decree and a supplemental decree, respectively, were entered finding that the product was adulterated because of contact with flood waters but that the good portion when salvaged and processed, had some value as feed for animals, and ordering that it be released under bond conditioned that the good portion be processed into animal feed and that no part thereof be used as food for human consumption.

H. A. WALLACE, *Secretary of Agriculture.*

27283. Misbranding of canned peas. U. S. v. 76 Cases and 76 Cases of Canned Peas. Consent decrees of condemnation. Product released under bond to be relabeled. (F. & D. nos. 37706, 39211. Sample nos. 62677-C, 17934-C.)

This product was substandard because the peas were not immature, and was not labeled to indicate that it was substandard.

On May 5, 1936, and March 12, 1937, the United States attorneys for the Southern District of West Virginia and the Eastern District of New York, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 76 cases of canned peas at Charleston, W. Va., and 76 cases of canned peas at Brooklyn, N. Y., alleging that they had been shipped in interstate commerce in part on or about February 13, 1936, and in part on or about February 9, 1937, by Phillips Packing Co., Inc., from Cambridge, Md., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Vimpep [or "Choptank Brand"] * * * Early June Peas, Phillips Sales Co., Inc., Cambridge, Md., U. S. A. Distributors."

It 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 since the peas were not immature, as evidenced by the high percentage of ruptured peas, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below said standard.

On August 4, 1936, and May 14, 1937, the Phillips Sales Co., Inc., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and it was ordered that the product be released under bond to be relabeled under the supervision of this Department.

H. A. WALLACE, *Secretary of Agriculture.*

27284. Adulteration of canned salmon. U. S. v. Diamond K Packing Co. Plea of guilty. Fine, \$10 and costs. (F. & D. no. 37978. Sample no. 65181-C.)

This case involved canned salmon that was in part decomposed.

On September 24, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Diamond K Packing Co., a corporation having a place of business at Seattle, Wash., alleging shipment by said company in violation of the Food and Drugs Act on or about September 5, 1935, from the Territory of Alaska into the State of Washington of a quantity of canned salmon that was adulterated.

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

On May 20, 1937, a plea of guilty was entered on behalf of the defendant corporation and the court imposed a fine of \$10 and costs.

H. A. WALLACE, *Secretary of Agriculture.*