

On July 13, 1937, the Lowden Corporation, Savannah, Ga., having entered an appearance and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

27589. Adulteration of tomato paste. U. S. v. 50 Cases of Tomato Paste. Default decree of condemnation and destruction. (F. & D. No. 89132. Sample No. 12288-C.)

This case involved canned tomato paste that contained excessive mold.

On February 24, 1937, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 cases of canned tomato paste at Fitchburg, Mass., alleging that the article had been shipped in interstate commerce on or about November 27, 1936, by Page's Gold Medal Canning Co. from Albion, N. Y., and charging adulteration in violation of the Food and Drugs Act. It was labeled in part: "Page's Gold Medal Italian Style Tomato Paste * * * Packed by Page's Gold Medal Canning Co. Albion, N. Y."

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

On June 22, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

27590. Misbranding of canned peas. U. S. v. 143 Cases of Canned Peas. Default decree of condemnation. Product delivered to a charitable institution. (F. & D. No. 89154. Sample No. 81786-C.)

This product fell below the standard for canned peas established by this Department because the peas were not immature, and it was not labeled to indicate that it was substandard.

On March 4, 1937, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 143 cases of canned peas at Lynchburg, Va., alleging that the article had been shipped in interstate commerce on or about October 27, 1936, by Howard E. Jones & Co. from Baltimore, Md., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Mason Dixon Brand Early June Peas Packed by Lineboro Canning Co. Inc. Lineboro, Md."

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—more than 25 percent being ruptured—and its label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard.

On June 25, 1937, no claimant having appeared, judgment of condemnation was entered, and since the product was not unfit for human consumption, it was ordered by the court that it be delivered to a charitable institution after the labels had been removed to insure its not being resold or diverted into the channels of trade.

M. L. WILSON, *Acting Secretary of Agriculture.*

27591. Adulteration of canned shrimp. U. S. v. 88 Cases and 50 Cases of Canned Shrimp. Default decrees of condemnation and destruction. (F. & D. Nos. 39155, 39242. Sample Nos. 20540-C, 20556-C.)

This product was in whole or in part decomposed.

On February 27 and March 20, 1937, the United States attorney for the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 138 cases of canned shrimp in part at Fall River, and in part at Boston, Mass., alleging that the article had been shipped in interstate commerce in various shipments on or about December 8, 19, and 30, 1936, by W. M. Brooks Packing Co., Inc., from Fernandina, Fla., and charging adulteration in violation of the Food and Drugs Act. It was labeled in part: (Can) "Florida Sea Brand * * * Packed by W. M. Brooks Packing Co., Inc. Fernandina, Fla."

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

On June 22 and September 13, 1937, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*