

for sweet ground chocolate, which it purported to be; and in that it had been mixed in a manner whereby its inferiority was concealed.

It was alleged to be misbranded in that the statement "Sweet Ground Chocolate," borne on the label, was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was deficient in fat. It was alleged to be misbranded further in that it was offered for sale under the distinctive name of another article.

On September 22, 1937, Rockwood & Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27791. Misbranding of maple-flavored butter. U. S. v. 9 Cartons of Maple Flavored Butter, et al. Default decree of condemnation and destruction. (F. & D. No. 40045. Sample Nos. 21223-C, 21224-C.)

These products were mixtures of cane and beet sugar, glucose, maple sugar, and imitation maple flavor—one containing in addition, orange and pineapple pulp—and their labels bore statements and designs which conveyed the impression that they were maple products; and this impression was not corrected by the inconspicuous declaration of artificial flavor.

On August 9, 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 9 cartons of a product labeled "Maple Flavored Butter" and 10 cartons of another product labeled "Maple Flavored Butter Orange Pineapple" at Boston, Mass., alleging that the articles had been shipped in interstate commerce on or about July 7, 1937, by the Vermont Maple Tree Sugar Co. from Burlington, Vt., and charging misbranding in violation of the Food and Drugs Act. Both products were labeled further: "Flavored with Vermont Maple Sugar and Artificial Flavor Mfd. By The Vermont Maple Tree Sugar Co., Burlington, Vermont."

The articles were alleged to be misbranded in that the name "Fresh Made Vermont Maple Flavored Butter," the design of maple trees conspicuously displayed on the labels of both products, and the words "Orange Pineapple" on the label of one, were false and misleading and tended to deceive and mislead the purchaser since they implied that the product labeled "Orange Pineapple" was a maple product containing orange and pineapple, and that the other was a 100-percent maple product; whereas the articles contained also cane or beet sugar, glucose, imitation maple flavor, and the misleading impression made by the name and design was not corrected by the inconspicuous declaration of artificial flavor. They were alleged to be misbranded further in that they were offered for sale under the distinctive names of other articles, namely, "Maple Flavored Butter" and "Maple Flavored Butter, Orange Pineapple," respectively.

On September 27, 1937, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27792. Misbranding of canned peas. U. S. v. 450 Cartons of Canned Peas. Default decree of condemnation and destruction. (F. & D. No. 40046. Sample No. 42807-C.)

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

On August 7, 1937, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 450 cartons of canned peas at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about June 19, 1937, by the Phillips Sales Co., Inc., from Cambridge, Md., and charging misbranding in violation of the Food and Drugs Act as amended. It was labeled in part: "Choptank Brand Early June Peas * * * Phillips Sales Co. Inc., Cambridge, Md."

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 since the peas were not immature, 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.