

in the district court libels praying seizure and condemnation of 651 cases of canned tuna in various lots at Fort Wayne, Portland, and Bluffton, Ind., alleging that the article had been shipped in interstate commerce on or about May 10, 1937, by the Van Camp Sea Food Co., in part from San Diego and in part from Terminal Island, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Chicken of the Sea Brand California Select Tuna * * * Packed by Van Camp Sea Food Company, Inc. Main Office Terminal Island Los Angeles Harbor Calif."

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

On August 11 and September 13, 1937, the Van Camp Sea Food Co., Inc., Terminal Island, Calif., having appeared as claimant and having filed an answer admitting the allegations of the libel, judgment of condemnation and forfeiture was entered. The product was released under bond conditioned that the decomposed portion be sorted out and destroyed.

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

28194. Misbranding of canned peas. U. S. v. 75 Cases of Canned Peas (and 2 other actions against the same product). Default decrees entered. Portion ordered delivered to charitable agencies; remainder condemned and destroyed. (F. & D. Nos. 39719, 39859, 40341. Sample Nos. 27126-C, 27310-C, 27311-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 sub-standard.

On June 11, June 14, and September 20, 1937, the United States attorneys for the District of New Jersey and the Eastern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district courts libels praying seizure and condemnation of 100 cases of canned peas at Newark, N. J., and 49 cartons of canned peas at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce in various shipments on or about March 23, May 8, and June 9, 1937, by D. E. Foote & Co., Inc., from Baltimore, Md., and charging misbranding in violation of the Food and Drugs Act. The article was labeled: "Our Leader [or "Foote's Best Brand"] Early June Peas Packed by D. E. Foote & Co., Incorporated, Baltimore, Maryland."

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, and the package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On October 26, 1937, no claimant having appeared for the property, the lots seized at Newark, N. J., were ordered delivered to charitable agencies and on the same date the lot seized at Brooklyn, N. Y., was condemned and ordered destroyed.

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

28195. Adulteration and misbranding of fruit flavors. U. S. v. 116 Dozen Bottles of Assorted Flavors. Default decree of condemnation and destruction. (F. & D. No. 39639. Sample Nos. 35084-C to 35089-C, incl.)

These products were imitation fruit flavors consisting of tartaric-acid solutions, artificial colors, and artificial fruit flavors, containing little or no fruit juice.

On May 21, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 116 dozen bottles of assorted flavors at Philadelphia, Pa., alleging that the articles had been shipped in interstate commerce on or about April 16, 1937, from Brooklyn, N. Y., by Safe Owl Products, Inc., and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part: "Tasty-Ade Strawberry [or "Cherry," "Raspberry," or "Grape"] Flavor * * * Safe Owl Products, Inc. Brooklyn, N. Y."

The articles were alleged to be adulterated in that imitation fruit flavors consisting of tartaric-acid solutions, artificial colors, and artificial fruit flavors, containing little or no fruit juice, had been substituted for cherry, strawberry, raspberry, and grape flavors, which they purported to be.

They were alleged to be misbranded in that the statements, "Strawberry [or "Cherry," "Raspberry," or "Grape"] Flavor," were false and misleading and tended to deceive and mislead the purchaser when applied to articles that