

& Joseph to themselves at Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "Henry Fisher R-2 Coloma, Mich."

It was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On November 5, 1937, no claimant having appeared, judgment of condemnation was entered ordering the product destroyed.

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

28457. Misbranding of canned peas. U. S. v. 63 Cases of Canned Peas. Default decree of condemnation and destruction. (F. & D. No. 40581. Sample No. 40602-C.)

These peas were not immature and they were not labeled to indicate that they were substandard.

On October 28, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 63 cases of canned peas at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 24, 1937, by the Merton Canning Co. from Merton, Wis., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Merton Brand Wisconsin Peas. * * * Packed by Merton Canning Co. Merton, Wis."

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, in that the peas were not immature and the package or label did not bear a plain and conspicuous statement, as prescribed, to that effect.

On December 13, 1937, no claimant having appeared, judgment of condemnation and forfeiture, with order of destruction, was entered.

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

28458. Adulteration of tomato puree. U. S. v. Loudon Packing Co. Plea of guilty. Fine, \$25. (F. & D. No. 39829. Sample Nos. 33888-C, 49003-C.)

This product contained excessive mold.

On November 27, 1937, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Loudon Packing Co., a corporation trading at Terre Haute, Ind., alleging shipment by said company in violation of the Food and Drugs Act, on or about April 27 and May 24, 1937, from the State of Indiana into the State of Illinois, of quantities of tomato puree which was adulterated. The article was labeled in part: "Traymore Brand Tomato Puree * * * Distributors Central Grocers Co-Operative Inc. Chicago, Ill."

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

On December 8, 1937, a plea of guilty was entered and the defendant was sentenced to pay a fine of \$25.

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

28459. Adulteration and misbranding of tomato puree. U. S. v. Taormina Corporation. Plea of guilty. Fine, \$25. (F. & D. No. 39755. Sample Nos. 34659-C, 34667-C.)

This product was deficient in tomato solids.

On August 10, 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 an information against the Taormina Corporation, trading at New Orleans, La., alleging shipment in violation of the Food and Drugs Act by the said defendant on or about March 19, 1937, from the State of Louisiana into the State of Mississippi, of quantities of tomato puree which was adulterated and misbranded. The article was labeled in part: (Cans) "Buffalo Brand Tomato Puree * * * Packed by Taormina Corp. New Orleans, La. Donna, Texas"; (cases, one shipment) "Tomato Puree."

It was alleged to be adulterated in that a product deficient in tomato solids had been substituted for tomato puree, which it purported to be.

It was alleged to be misbranded in that the statements borne on the labels, "Tomato Puree" and "Puree di Pomodoro," were false and misleading and were borne on the labels so as to deceive and mislead the purchaser, since they repre-

sented that the article was tomato puree; whereas it was not tomato puree but was a product deficient in tomato solids.

On December 9, 1937, a plea of guilty was entered and the defendant was sentenced to pay a fine of \$25.

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

28460. Adulteration of cashew nuts. U. S. v. 6 Cases and 1 Carton of Cashew Nuts. Default decree of condemnation and forfeiture. Order of destruction. (F. & D. No. 40567. Sample No. 10821-C.)

This article was insect-infested.

On October 23, 1937, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of six cases and one carton of cashew nuts at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about October 11, 1937, by the Colonial Warehouse & Transfer Co. from Portland, Oreg., and charging adulteration in violation of the Food and Drugs Act.

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

On December 10, 1937, no claimant having appeared, judgment of condemnation and forfeiture, with order of destruction, was entered.

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

28461. Adulteration of flour. U. S. v. 420 Sacks of Flour. Consent decree of condemnation. Product released under bond conditioned that the bad portion be denatured. (F. & D. No. 40404. Sample Nos. 37736-C, 37738-C.)

This product was infested with worms and insects.

On September 29, 1937, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 420 sacks of flour at Jersey City, N. J., alleging that the article had been shipped in interstate commerce on or about June 1, 1937, from Buffalo, N. Y., by the Pillsbury Flour Mills Co., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Pillsbury XXXX Patent Flour Pillsbury Flour Mills Company. * * * Minneapolis, Minn."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On December 22, 1937, the Pillsbury Flour Mills 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 the bad flour be segregated from the good, if any, and the former denatured and disposed of for purposes other than human consumption.

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

28462. Adulteration of canned shrimp. U. S. v. Quong Sun Co., Inc. Plea of guilty. Fine, \$25. (F. & D. No. 39742. Sample Nos. 6697-C, 6698-C.)

This product was in part decomposed.

On June 17, 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 an information against the Quong Sun Co., Inc., New Orleans, La., alleging that on or about January 21, 1937, the defendant delivered to a common carrier at New Orleans, La., for shipment to the Republic of Panama, quantities of canned shrimp which was adulterated in violation of the Food and Drugs Act.

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

On December 9, 1937, a plea of guilty was entered and the defendant was sentenced to pay a fine of \$25.

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

28463. Adulteration of canned tomato paste. U. S. v. 9 Cases of Canned Tomato Paste. Default decree of condemnation and destruction. (F. & D. No. 41572. Sample No. 1227-D.)

Samples of this product were found to contain excessive mold.

On January 31, 1938, 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 nine cases of canned