

Lake City, Utah, alleging that the article had been shipped in interstate commerce on or about September 16, 1937, by American Commerce Co. from San Francisco, Calif., 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 decomposed vegetable substance.

On January 21, 1938, Symns Utah Grocer Co., Salt Lake City, Utah, having appeared as claimant, judgment of condemnation was entered, and the product was ordered released under bond conditioned that the nuts be cracked and shelled and the unfit portion destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

28565. Adulteration of pecan meats. U. S. v. 7 Cases of Pecan Meats. Default decree of condemnation and destruction. (F. & D. No. 40967. Sample No. 54942-C.)

Samples of this product were found to be rancid, decomposed, and shriveled.

On November 30, 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 seven cases of pecan meats at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about March 20, 1937, by the Associated Pecan Co. from Valdosta, Ga., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "From Associated Pecan Co. Valdosta, Ga."

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

On February 14, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

28566. Adulteration of apples. U. S. v. 74 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. No. 41239. Sample No. 46115-C.)

This product was contaminated with arsenic and lead.

On December 3, 1937, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 74 bushels of apples at Wausau, Wis., alleging that the article had been shipped in interstate commerce on or about October 17, 1937, by Cohodas Bros. from Frankfort, Mich., and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "Packed by George E. Iverson, Arcadia, Mich.—Arlie L. Hopkins, Bear Lake, Mich."

It was alleged to be adulterated in that it contained an added poisonous and deleterious ingredient, lead and arsenic, which might have rendered it injurious to health.

On January 7, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

28567. Misbranding of canned peas. U. S. v. 382 Cases of Canned Peas. Product ordered released under bond to be relabeled. (F. & D. No. 40903. Sample No. 61868-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 November 23, 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 382 cases of canned peas at Erie, Pa., alleging that the article had been shipped in interstate commerce on or about October 2, 1937, by Phillips Sales Co., Inc., from Cambridge, Md., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Phillips Delicious Early June Peas * * * Packed by Phillips Packing 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 the Secretary indicating that it fell below such standard.

On January 6, 1938, Phillips Sales Co., Inc., claimant, having admitted the allegations of the libel, judgment was entered ordering release of the product under bond to be relabeled under the supervision of this Department.

W. R. GREGG, *Acting Secretary of Agriculture.*

28568. Misbranding of canned peas. U. S. v. 98 Cases of Canned Peas. Default decree of condemnation. Product delivered to charitable institution. (F. & D. No. 41272. Sample No. 37764-C.)

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

On December 29, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 98 cases of canned peas at Mount Vernon, N. Y., alleging that the article had been shipped in interstate commerce on or about July 16, 1937, by the Phillips Commission Co. per Nuttle Canning Co., from Denton, Md., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Nuttle Brand Early June Peas, Packed by Nuttle Canning Company, Denton, 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, it contained excess foreign material, and its package or label did not bear a plain or conspicuous statement prescribed by the regulations of this Department indicating that it fell below such standard.

On January 21, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

W. R. GREGG, *Acting Secretary of Agriculture.*

28569. Misbranding of candy. U. S. v. 45 Boxes of Candy. Default decree of condemnation and destruction. (F. & D. No. 41087. Sample No. 61246-C.)

This product was artificially colored and flavored, and it contained sulphur dioxide. It also was short weight.

On December 22, 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 a libel praying seizure and condemnation of 45 boxes of candy at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about November 6, 1937, by the Puritan Chocolate Co. from Cincinnati, Ohio, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Box) "Chocolate Cherry Cobbler The Puritan Chocolate Co., Cincinnati, Ohio."

It was alleged to be misbranded in that the labeling was false and misleading and tended to deceive and mislead the purchaser when applied to an article containing artificial coloring, artificial flavor, and sulphur dioxide, which was not declared. It was alleged to be misbranded further in that the statement "Net Weight 2 Oz. or Over," borne on the wrapper, was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short weight; and in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the wrapper, since the statement of contents was not correct and the wrapper was folded in such manner that the statement was covered.

On January 28, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

28570. Misbranding of candy. U. S. v. 8 Cases of Candy. Default decree of condemnation and destruction. (F. & D. No. 41194. Sample No. 50583-C.)

The net weight of this product was less than that claimed in the contents statement that was inconspicuously placed on the bottom of the box.

On December 22, 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 a libel praying seizure and condemnation of eight cases of candy at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about November 22 and December 3, 1937, by Head Candies, Inc., from Atlanta, Ga., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Wrapper) "Head Candies, Inc. Atlanta Peanut Brittle 10 Ounces Net Weight."