

and in that such portion was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On March 22, 1938, Point Loma Tuna Packers, Inc., 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.

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

28841. Misbranding of canned peas. U. S. v. 79 Cases of Canned Peas. Decree of condemnation. Product released under bond for relabeling. (F. & D. No. 41806. Sample No. 16826-D.)

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

On February 21, 1938, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 79 cases of canned peas at Snow Hill, Md., alleging that the article had been shipped in interstate commerce on or about January 7, 1938, by Roma Wholesale Grocery Co. from Scranton, Pa., and charging misbranding in violation of the Food and Drugs Act. The article had been shipped to Roma Wholesale Grocery Co., by W. D. Onley Canning Co., of Snow Hill, Md., and had been returned to the packer by the original consignee. The article was labeled in part: "Wecan Brand Quality Vegetables Early June Peas * * * Distributed By W. T. Onley Canning Co., Snow Hill, 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 for such canned food, in that the peas were not immature, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that such canned food fell below such standard.

On March 28, 1938, W. T. Onley Canning Co. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled.

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

28842. Misbranding of potatoes. U. S. v. 400 Sacks of Potatoes. Product released under bond for segregation of good portion. (F. & D. No. 41840. Sample No. 16806-D.)

These potatoes were represented to be U. S. grade No. 1, but fell below the standard established by this Department for that grade because of excessive defects.

On February 28, 1938, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 400 sacks of potatoes at South Bend, Ind., alleging that the article had been shipped in interstate commerce on or about February 18, 1938, from Heyburn, Idaho, by Wayne Newcomb of Rupert, Idaho, and charging misbranding in violation of the Food and Drugs Act.

The article was alleged to be misbranded in that the statement on the label, "U. S. No. 1," was false and misleading and tended to deceive and mislead the purchaser.

On March 4, 1938, Wayne Newcomb having appeared as claimant, the product was released under bond conditioned that the potatoes be re-sorted.

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

28843. Adulteration of crab meat. U. S. v. 1 Barrel of Crab Meat. Default decree of condemnation and destruction. (F. & D. No. 41845. Sample Nos. 13302-D, 13303-D.)

This product was filthy.

On February 18, 1938, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one barrel of crab meat at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about February 16, 1938, from Jacksonville, Fla., by the Florida Crab Meat Co., and charging adulteration in violation of the Food and Drugs Act.

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