

29120. Misbranding of canned peaches. U. S. v. 142 Cases of Peaches. Decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 42213. Sample No. 10912-D.)

This product fell below the standard for canned peaches established by this Department, and it was not labeled to indicate that it was substandard.

On April 16, 1938, the United States attorney for the Eastern District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 142 cases of canned peaches at Barbourville, Ky., consigned on or about August 18 and 20, 1937; alleging that the article had been shipped in interstate commerce by Bush Bros. & Co. from Clinton, Tenn.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Clinton Brand Unsweetened Freestone Peeled Yellow Peaches * * * Bush Bros. & Company * * * Dandridge, Texas."

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 because the peaches were packed in water (the liquid portion of finished product read less than 14° Brix) and were not so labeled; the peaches were not of normal and uniform size, were not unblemished, and were not in unbroken halves; and the package or label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that the article fell below such standard.

On May 17, 1938, Bush Bros. & Co., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of this Department.

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

29121. Adulteration of maple sirup. U. S. v. 46 Drums of Maple Sirup. Consent decree releasing product under bond for deleading. (F. & D. No. 42308. Sample No. 9461-D.)

This product contained lead.

On May 19, 1938, the United States attorney for the District of Vermont, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 46 drums of maple sirup at St. Johnsbury, Vt.; alleging that the article had been shipped in interstate commerce on or about April 21, 1938, from Forestville, N. Y., by R. Morgan & Co.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it injurious to health.

On June 24, 1938, Rockey T. Morgan, claimant, Forestville, N. Y., having admitted the allegations of the libel, the product was ordered released under bond conditioned that it be deleaded.

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

29122. Adulteration of canned grapefruit juice. U. S. v. 299 Cases of Grapefruit Juice. Default decree of condemnation and destruction. (F. & D. No. 42134. Sample No. 11418-D.)

This product contained insect fragments.

On or about April 8, 1938, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 299 cases of canned grapefruit juice at St. Louis, Mo.; alleging that the article had been shipped in interstate commerce on or about February 25, 1938, from Weslaco, Tex., by Christensen Products Corporation; 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 vegetable substance.

On June 25, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

29123. Adulteration of canned spinach. U. S. v. 69 Cases of Spinach. Default decree of condemnation and destruction. (F. & D. No. 42382. Sample No. 25341-D.)

This product was in whole or in part decomposed.

On May 13, 1938, 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 69 cases of canned spinach at Bronx, N. Y.; alleging that the article had been shipped in interstate commerce

on or about February 26, 1938, by the Bohannon Canning Co. from McAllen, Tex.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Bohannon Spinach * * * Bohannon Canning Co. Offices: Van Buren, Ark. McAllen, Texas."

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

On June 2, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

29124. Adulteration of tomato catsup. U. S. v. 728 Cases of Tomato Catsup (and two similar seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 41609, 42439, 42440. Sample Nos. 9509-D, 22494-D, 31203-D.)

This product contained excessive mold.

On February 4 and May 20, 1938, the United States attorney for the Western District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 728 cases of tomato catsup at McKeesport, Pa., 49 cases of the product at Erie, Pa., and 146 cases at Pittsburgh, Pa.; alleging that the article had been shipped in interstate commerce in part on or about November 18, 1937, and January 19 and March 1, 1938, by Farm King Packing Co., from Fredonia, N. Y.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part variously: "Pomco Brand Tomato Catsup Distributed by Potter McCune Co., McKeesport, Pa."; "Commodore Tomato Catsup * * * Distributors C. A. Curtze Erie, Pa."; and "Donahoe's My-Te-Good Ketchup * * * Packed For Donahoe's, Pittsburgh, Pa."

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

On May 20, July 21, and August 11, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

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

29125. Misbranding of canned peas. U. S. v. 173 Cases of Peas. Decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 41903. Sample No. 740-D.)

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

On or about March 12, 1938, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 173 cases of canned peas at Jacksonville, Fla.; alleging that the article had been shipped in interstate commerce on or about January 14, 1938, by the Biddle Purchasing Co., from Baltimore, Md.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Howard Brand Early June Peas * * * Packed By A. W. Feeser & Co., Inc. * * * Silver Run, 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 June 1, 1938, Chitty & Co., Jacksonville, Fla., having appeared as claimant, 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.*

29126. Misbranding of peanut butter. U. S. v. 83½ Cases of Peanut Butter. Default decree of condemnation and destruction. (F. & D. No. 42355. Sample No. 29035-D.)

This product was short weight.

On May 10, 1938, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 83½ cases of peanut butter at Atlanta, Ga.; alleging that the article had been shipped in interstate commerce on or about March 28, 1938, from Brundidge, Ala., by Louis-Anne, Inc.; and charging misbranding in violation of the Food and Drugs Act. The