

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