

29144. Adulteration of maple sirup. U. S. v. 78 Drums and 85 Drums of Maple Sirup. Consent decrees of condemnation. Product released under bond to be deleaded. (F. & D. Nos. 42232, 42424. Sample Nos. 8131-D, 14262-D, 22719-D.)

Samples of this product were found to contain lead.

On April 22 and May 19, 1938, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 163 drums of maple sirup at New York, N. Y.; alleging that the article had been shipped in interstate commerce by Natural Sugars, Inc., in part on or about April 13, 1938, from Corry, Pa., and in part on or about May 6, 1938, from Burlington, Vt.; 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 May 6 and May 31, 1938, Natural Sugars, Inc., having appeared as claimant and having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond conditioned that drums containing sirup free from lead be segregated, and that the remainder be re-processed under the supervision of this Department to completely eliminate the lead content.

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

29145. Misbranding of canned peas. U. S. v. 735 Cartons of Peas (and 3 similar seizure actions). Decree of condemnation. Portions released under bond for relabeling; remainder distributed to charitable institutions. (F. & D. Nos. 40340, 41387, 41403, 42367. Sample Nos. 55700-C, 55802-C, 56532-C, 13166-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 September 20, 1937, January 13 and May 12, 1938, the United States attorneys for the Districts of New Jersey, Massachusetts, and Connecticut, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 735 cartons of canned peas at Newark, N. J., 825 cartons of canned peas at Boston, Mass., and 39 cases of the product at Hartford, Conn.; alleging that the article had been shipped in interstate commerce between the dates of June 15, 1937, and March 8, 1938, by A. W. Sisk & Son, in various shipments from Pocomoke, Lineboro, and Westminster, Md.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled variously: "Crown of Maryland Early June Peas * * * Distributed by Preston Canning Co., Preston, Md."; "Pine Cone Brand Early June Peas * * * Albert W. Sisk & Son Distributors Preston and Aberdeen Maryland"; "Sky Chief Brand Early June Peas * * * Packed by Lineboro Canning Company Inc Lineboro 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 February 25 and May 12, 1938, the Mason Canning Co., Pocomoke, Md., claimant for the goods seized at Newark, N. J., and a portion of those seized at Boston, Mass., and Albert W. Sisk & Son, claimant for the remainder of the goods seized at Boston, Mass., having admitted the allegations of the libels, judgments of condemnation were entered in the said actions and the product was ordered released under bond conditioned that it be relabeled. On June 30, 1938, no claim having been entered for the lot seized at Hartford, Conn., it was condemned and ordered distributed to charitable institutions.

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

29146. Adulteration of butter. U. S. v. Ruby Grace Trower (Sweet Grass County Creamery). Plea of guilty. Fine, \$5. (F. & D. No. 40795. Sample No. 51039-C.)

Samples of this product were found to contain mold.

On May 14, 1938, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Ruby Grace Trower, trading as the Sweet Grass County Creamery at Big Timber, Mont., alleging shipment by said defendant in viola-