

March 28 and April 19, 1938, from Seattle, Wash., by Tsue Chong Co.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Rose Brand Fresh Egg Noodles * * * Manufactured by Tsue Chong Company * * * Seattle Wash."

It was alleged to be adulterated in that an artificially colored product deficient in egg and containing soybean flour had been substituted wholly or in part for egg noodles, which it purported to be; and in that it was colored in a manner whereby inferiority was concealed.

It was alleged to be misbranded in that the statement "Egg Noodles" was false and misleading and tended to deceive and mislead the purchaser when applied to an article deficient in egg and containing soybean flour and artificial color.

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

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

29240. Misbranding of canned apricots. U. S. v. 50 Cases of Apricots. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 42471. Sample No. 23335-D.)

This product fell below the standard for canned apricots because of excessive crushed and soft pieces, and it was not labeled to indicate that it was substandard.

On May 25, 1938, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 cases of canned apricots at Tacoma, Wash.; alleging that the article had been shipped in interstate commerce on or about April 27, 1938, from San Francisco, Calif., by the F. G. Wool Packing Co.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Gold Crest Brand Compote California Apricots * * * Napa Canning Company * * * San Francisco, Cal."

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 it contained excessive crushed and soft pieces 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 August 1, 1938, Alaska Distributors, Inc., Tacoma, Wash., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling in conformity with the law.

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

29241. Adulteration of candy. U. S. v. 6 Boxes of Candy. Default decree of condemnation and destruction. (F. & D. No. 42454. Sample No. 14459-D.)

This product consisted of candy filled with ground peanuts. Examination showed that the filling was insect-infested.

On June 3, 1938, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of six boxes of candy at Providence, R. I.; alleging that the article had been shipped in interstate commerce on or about January 30, 1938, by the M. G. Shaghalian Co., from Providence, R. I., to Fall River, Mass., and had been returned to Providence, R. I., by the consignee on or about May 17, 1938; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Peach Buds Made by M. G. Shaghalian Co., Providence, R. I."

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

On June 21, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

29242. Adulteration of canned cherries. U. S. v. 430 Cases of Cherries. Default decree of destruction. (F. & D. No. 42314. Sample No. 22836-D.)

Samples of this product were found to contain worms.

On May 25, 1938, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 430 cases of canned