

On July 2, 1938, H. H. Gervais, St. Johnsbury, Vt., claimant, having admitted the allegations of the libel, judgment was entered ordering that the product be released under bond, conditioned that it be deleaded and all injurious ingredients removed under the supervision of this Department.

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

29311. Misbranding of canned peas. U. S. v. 51 Cases of Canned Peas (and 4 similar actions). Consent decree of condemnation. Product released under bond for relabeling. (F. & D. Nos. 41664, 41665, 41725, 41726, 41727. Sample Nos. 2120-D, 2166-D, 2168-D, 2169-D, 2170-D.)

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

On February 19 and 21, 1938, the United States attorney for the District of South Dakota, acting upon reports by the Secretary of Agriculture, filed in the district court five libels praying seizure and condemnation of 344 cases of canned peas in various lots at Sioux Falls, Brookings, Huron, and Watertown, S. Dak.; alleging that the article had been shipped in interstate commerce on October 27 and 29, 1937, from Port Washington, Wis., by Clyman Canning Co.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Ozaukee [or "Win-All"] Brand * * * Peas * * * Knellsville Pea Canning Company [or "Co."] Fort Washington, Wisconsin."

It was alleged to be misbranded in that it was substandard because the peas were not immature, since the alcohol-insoluble solids in the drained peas exceeded 23.5 percent, and its label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that the contents of the cans were substandard.

On March 31, 1938, Morin, Beattie Co., Sioux Falls, S. Dak.; Beattie, Steinborn Co.; Brookings, S. Dak.; Morin, Colton & Co., Huron, S. Dak.; and Park Grant Co., Watertown, S. Dak., claimants for respective lots of the article, having admitted the allegations of the libels and having consented to the entries of decrees, judgments of condemnation were entered and the product was ordered released under bond conditioned that it be relabeled.

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

29312. Adulteration of flour. U. S. v. 5 Barrels of Flour. Default decree of condemnation and destruction. (F. & D. No. 43123. Sample No. 15278-D.)

This product was infested with insects.

On August 2, 1938, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of five barrels of flour at Kansas City, Mo.; alleging that the article had been shipped in interstate commerce on or about July 1, 1938, from Chicago, Ill., by Armour & Co.; and charging adulteration in violation of the Food and Drugs Act. The product originally had been shipped by Ettlenger Casing & Supply Co. from Kansas City, Kans., to Armour & Co., by whom it was returned as alleged in the libel. The article was labeled in part: "Ettlenger Sausage and Loaf Binder Flour * * * Ettlenger Csg. & Sup. Co. K. C. Mo."

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

On August 12, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

29313. Adulteration of crab meat. U. S. v. 1 Keg of Crab Meat. Default decree of condemnation and destruction. (F. & D. No. 43227. Sample No. 34156-D.)

This product contained evidence of the presence of filth.

On August 6, 1938, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one keg of crab meat at Washington, D. C.; alleging that the article had been shipped in interstate commerce on or about August 3, 1938, by Wallace M. Quinn Co., from Crisfield, Md.; and charging adulteration in violation of the Food and Drugs Act.

It was alleged to be adulterated in that it consisted of a filthy animal substance.

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

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

29314. Adulteration of flour. U. S. v. 105 Sacks and 140 Sacks of Flour. Consent decrees of condemnation. Product released under bond conditioned that unfit portion be denatured or destroyed. (F. & D. Nos. 40483, 40560. Sample Nos. 37744-C, 37755-C.)

Samples of this product were found to be insect-infested. A portion of the sacks failed to bear a statement of the quantity of contents.

On October 14 and 23, 1937, the United States attorney for the Eastern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 245 sacks of flour at Brooklyn, N. Y.; alleging that the article had been shipped in interstate commerce on or about June 11 and July 21, 1937, from Fostoria, Ohio, by Mennel Milling Co.; and charging that a portion was adulterated and the remainder was misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part "The Mennel Milling Company."

One lot was alleged to be adulterated in that it was insect-infested.

The remaining lot was alleged to be misbranded in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since no quantity was stated.

On January 24, 1938, Leopold Gross, Inc., New York, N. Y., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation were entered, and the product was ordered released under bond conditioned that both lots be segregated, the good from the bad, and that the latter be destroyed or denatured so that it could not be disposed of for human consumption.

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

29315. Adulteration and misbranding of butter. U. S. v. 66 Cubes of Butter. Consent decree of condemnation. Product released under bond. (F. & D. No. 43232. Sample No. 19169-D.)

This product contained less than 80 percent of milk fat.

On July 26, 1938, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 66 cubes of butter at Los Angeles, Calif.; alleging that the article had been shipped in interstate commerce on or about July 16, 1938, by Star Valley Creamery Co. from Afton, Wyo.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Star Valley Creamery Butter Star Valley Creamery Co. Afton—Wyoming."

It was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by act of March 4, 1923.

The article was alleged to be misbranded in that the statement "Creamery Butter" was false and misleading and deceived and mislead the purchaser when applied to a product which contained less than 80 percent of milk fat.

On August 22, 1938, the Star Valley Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be brought up to the legal standard under the supervision of this Department.

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

29316. Misbranding of canned peas. U. S. v. 358 Cases of Peas. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 41946. Sample No. 15209-D.)

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

On March 18, 1938, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 358 cases of canned peas at Kansas City, Mo.; alleging that the article had been shipped in interstate commerce on or about October 23, 1937, by Johannes Pure Food Co. from Cleveland, Wis.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Grocer Boy Brand Wisconsin