

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On September 15, 1938, the claimant having consented, judgment of condemnation was entered and the product was ordered destroyed.

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

29807. Adulteration of pears. U. S. v. 20 Bushels of Pears. Consent decree of condemnation and destruction. (F. & D. No. 43944. Sample No. 33303-D.)

This product was contaminated with arsenic and lead.

On September 3, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 bushels of pears at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about August 29, 1938, by Peter Lores from Benton Harbor, Mich.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "G. E. Holmquist Breedsville, Mich."

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On October 3, 1938, the claimant having consented, judgment of condemnation was entered and the product was ordered destroyed.

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

29808. Adulteration of pears. U. S. v. 15 Bushels of Pears. Consent decree of condemnation and destruction. (F. & D. No. 43942. Sample No. 32728-D.)

This product was contaminated with arsenic and lead.

On August 18, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 bushels of pears at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about August 9, 1938, by George Reinhardt from St. Joseph, Mich.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On August 25, 1938, the claimant having consented, judgment of condemnation was entered and the product was ordered destroyed.

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

29809. Adulteration of pears. U. S. v. 10 Bushels of Pears. Consent decree of condemnation and destruction. (F. & D. No. 43517. Sample No. 32702-D.)

This product was contaminated with arsenic and lead.

On August 6, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 bushels of pears at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about August 2, 1938, by Ferdinand Bahm from Benton Harbor, Mich.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On August 18, 1938, the claimant having consented, judgment of condemnation was entered and the product was ordered destroyed.

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

29810. Adulteration of canned cherries. U. S. v. Western Oregon Packing Corporation. Plea of guilty. Fine, \$200. (F. & D. No. 42545. Sample Nos. 7508-D, 7509-D, 16986-D, 16994-D.)

Samples of this product were found to contain maggots.

On August 25, 1938, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Western Oregon Packing Corporation, Corvallis, Oreg., alleging shipment by said company in violation of the Food and Drugs Act on or about December 31, 1937, and January 21, 1938, from the State of Oregon into the States of Virginia and New York, respectively, of quantities of canned cherries which were adulterated. Portions were labeled: "Royal Anne

Cherries [or "Ferndale Brand Royal Anne Cherries"] * * * Wallace, Burton & Davis Co. Distributors New York." The remainder was labeled: "Home Spun Brand * * * Phillips-Lewis Co. Inc. Distributors, Richmond, Va." The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On September 29, 1938, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$200.

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

29811. Misbranding of canned cherries. U. S. v. 250 Cases of Canned Cherries (and 5 similar seizure actions). Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. Nos. 44005 to 44010, inclusive. Sample Nos. 24966-D, 24967-D, 24968-D, 28393-D.)

This product was substandard because of an excessive number of pits, and it was not labeled to indicate that it was substandard.

On September 30, 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 libels praying seizure and condemnation of 525 cases of canned cherries at Tampa, Fla., and 248 cases of canned cherries at St. Petersburg, Fla.; alleging that the article had been shipped in interstate commerce on or about August 2, 1938, by Huber Packing Co., Inc., from Tacoma, Wash.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Midfield Brand Water Pack R. S. P. Cherries."

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 there was present more than 1 cherry pit per each 20 ounces of net contents 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 October 28, 1938, the cases having been consolidated and the Huber Packing Co. Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be relabeled to conform to the Food and Drugs Act.

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

29812. Misbranding of canned peas. U. S. v. 145 Cases and 69 Cases of Peas. Default decrees of condemnation. Product ordered delivered to charitable institutions. (F. & D. Nos. 43906, 43907. Sample Nos. 27577-D, 27583-D.)

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

On September 16, 1938, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 214 cases of canned peas at Amarillo, Tex.; alleging that the article had been shipped in interstate commerce on or about June 23, 1938, by A. W. Sisk & Son from Baltimore, Md.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Hi-Chief Brand Early June Peas * * * Packed by Lineboro Canning Company, Inc. Lineboro, Md."

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 for such canned food, since the peas were not immature and the package or label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard.

On October 26, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered delivered to charitable institutions.

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

29813. Adulteration of candy. U. S. v. 10 Cartons of Candy. Default decree of condemnation and destruction. (F. & D. No. 43615. Sample No. 16137-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

On September 1, 1938, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 cartons of candy