

**29852. Adulteration of corn meal. U. S. v. 23 Bags of Corn Meal. Default decree of condemnation and destruction. (F. & D. No. 43987. Sample No. 38154-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 and to contain rodent hairs.

On or about September 28, 1938, the United States attorney for the Northern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 23 bags of corn meal at Pensacola, Fla.; alleging that the article had been shipped on or about September 3, 1938, by Western Grain Co. from Birmingham, Ala.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Bang Up Old Style Unbolted Meal."

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

On November 28, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

**29853. Adulteration of tomato puree. U. S. v. 32 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. & D. No. 43033. Sample Nos. 27283-D, 3637-D.)**

This product contained excessive mold.

On July 12, 1938, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 32 cases of tomato puree at Butte, Mont.; alleging that the article had been shipped in interstate commerce on or about January 3, 1938, by Smith Canning Co. from Clearfield, Utah; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Dinnerette Brand Puree."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance.

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

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

**29854. Misbranding of canned peas. U. S. v. 595 Cartons of Peas. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 40371. Sample No. 27125-C.)**

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 25, 1937, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 595 cartons of canned peas at Jersey City, N. J.; alleging that the article had been shipped in interstate commerce on or about July 1, 1937, by the Mason Canning Co. from Pocomoke City, Md.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Sea View No. 3 Sieve Alaska Peas."

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 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 November 18, 1938, the Mason Canning Co., claimant, having admitted the allegations of the libel and 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 under the supervision of this Department to comply with the Food and Drugs Act.

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

**29855. Misbranding of canned cherries. U. S. v. 19½ Cases of Canned Cherries. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. & D. No. 42332. Sample Nos. 23020-D, 23026-D.)**

This product fell below the standard established by this Department because it contained excessive packing medium, and it was not labeled to indicate that it was substandard.

On May 13, 1938, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 19½ cases of canned cherries at Spokane, Wash.; alleging that the article had been shipped in interstate commerce on or about August 23, 1937, by Seiter's, Inc., from Post Falls, Idaho; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Coeur d'Alene Brand Red Sour Pitted Cherries Packed in Water."

It was alleged to be misbranded in that it was canned food and fell below the standard of fill of container promulgated by the Secretary of Agriculture, since it contained excess packing medium, 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 December 5, 1938, no claimant having appeared, judgment of condemnation was entered, and it was ordered that the labels be removed and the product delivered to a charitable institution.

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

**29856. Misbranding of glass pack shrimp. U. S. v. 27 Cases of Shrimp. Consent decree of condemnation. Product released under bond to be relabeled.** (F. & D. No. 42205. Sample No. 10565-D.)

This product was falsely represented to have been packed and produced under the supervision of this Department.

On April 15, 1938, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 27 cases of shrimp at Trenton, N. J.; alleging that the article had been shipped in interstate commerce on or about September 8, 1937, by W. M. Brooks Packing Co., Inc., from Fernandina, Fla.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Jar) "Florida Sea Brand Shrimp \* \* \* Production Supervised by U. S. Food and Drug Administration."

It was alleged to be misbranded in that the statement "Production Supervised by U. S. Food and Drug Administration" was false and misleading and tended to deceive and mislead the purchaser, since the production of the article was not supervised by the United States Food and Drug Administration.

On June 8, 1938, W. M. Brooks Packing Co., Inc., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered with provision for release of the product under bond, conditioned that it be relabeled to comply with the Food and Drugs Act.

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

**29857. Misbranding of butter. U. S. v. 10 Cases of Butter. Decree of condemnation. Product ordered released under bond to be relabeled or repacked.** (F. & D. No. 44415. Sample No. 27427-D.)

This product was short of the declared weight.

On November 7, 1938, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 cases of butter at Cheyenne, Wyo.; alleging that the article had been shipped in interstate commerce on or about November 2, 1938, by the Kimball Creamery Co. from Kimball, Nebr.; and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Carton) "Kimball Creamery Butter 1 lb. net."

It was alleged to be misbranded in that the statement "1 lb. net" was false and misleading since the carton contained less than 1 pound; and 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.

On November 12, 1938, the Kimball Creamery Co., 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 repacked or relabeled under the supervision of this Department so as to comply with the law.

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