

lation of the Food and Drugs Act on or about May 23, 1938, from the State of California into the State of Maryland of a quantity of dried apricots that were adulterated. The article was labeled in part: "California Apricots for Manufacturing Purposes."

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

On January 7, 1939, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$100.

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

30321. Adulteration and misbranding of dried peaches. U. S. v. 19 Cases of Dried Peaches. Consent decree of condemnation and destruction. F. & D. No. 44902. Sample No. 36793-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. It also contained undeclared sulfur dioxide.

On February 24, 1939, the United States attorney for the District of Hawaii, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 19 cases of dried peaches at Honolulu, T. H.; alleging that the article had been shipped on or about February 14, 1939, by American Factors, Ltd., from San Francisco, Calif.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Suni-Bel Brand Choice Peaches Packed by San Filippo Bros., Inc., San Jose, Calif."

Adulteration was alleged in that the article was infested with insects and contained undeclared sulfur dioxide.

It was alleged to be misbranded in that it was labeled so as to deceive and mislead the purchaser since the label failed to declare the presence of sulfur dioxide and gave the impression that it consisted of pure standard dried peaches.

On February 25, 1939, the shipper 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 destroyed.

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

30322. Adulteration of frozen whole eggs. U. S. v. 155 Cans of Frozen Whole Eggs. Default decree of condemnation and destruction. (F. & D. Nos. 44850, 44851. Sample Nos. 20377-D, 20378-D, 20379-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 in part decomposed.

On February 15, 1939, 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 155 cans of frozen whole eggs at Los Angeles, Calif.; alleging that the article had been shipped on or about November 16, 1938, by the Market Produce Co. from Shreveport, La.; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that the article consisted wholly or in part of a decomposed animal substance.

On March 9, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

30323. Adulteration of frozen fish. U. S. v. 86 Boxes of Ocean Perch and 195 Cases of Whiting. Default decrees of condemnation and destruction. (F. & D. Nos. 44714, 44829. Sample Nos. 31126-D, 31131-D, 34824-D.)

These products had been shipped in interstate commerce and remained unsold and in the original packages. At the time of examination, a portion of the samples were found to show decomposition, and others, infestation with parasitic worms.

On January 23 and February 11, 1939, the United States attorneys for the Districts of Maryland and of Colorado, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 86 boxes of ocean perch at Baltimore, Md., and 195 cases of whiting at Denver, Colo., consigned by Gorton-Pew Fisheries Co.; alleging that the articles had been shipped in part on or about September 26, 1938, and in part on or about January 16, 1939, from Gloucester, Mass.; and

charging adulteration in violation of the Food and Drugs Act. The articles were labeled in part: "Clipper Brand Ocean Perch" or "H & G Whiting."

They were alleged to be adulterated in that they consisted in whole or in part of filthy or decomposed animal substances.

On February 23 and 25, 1939, no claim having been entered, judgments of condemnation were entered and the products were ordered destroyed.

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

30324. Adulteration of almonds in shell. U. S. v. 52 Bags of Almonds. Decree of condemnation. Product released under bond conditioned that unfit portion be destroyed. (F. & D. No. 44809. Sample No. 43621-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 moldy and insect-infested.

On February 10, 1939, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 52 bags of almonds at Sacramento, Calif.; alleging that the article had been shipped on or about January 20, 1939, by Pacific Fruit & Produce Co. from Portland, Oreg.; and charging adulteration in violation of the Food and Drugs Act. This shipment consisted of goods returned to the original shipper. It was labeled in part: "Anchorage Farm Brand Almonds IXL * * * Packed by Anchorage Trading Company Orland, California."

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

On February 24, 1939, Anchorage Trading Co., having appeared as claimant and owner, judgment of condemnation was entered and the product was ordered released under bond conditioned that the decomposed portion be segregated and destroyed.

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

30325. Misbranding of canned peas. U. S. v. 50 Cases of Peas. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 44267. Sample No. 37874-D.)

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

On or about November 2, 1938, the United States attorney for the Southern District of Texas, 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 peas at Galveston, Tex.; alleging that the article had been shipped in interstate commerce on or about September 1, 1938, by the H. J. McGrath Co. from Baltimore, Md.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "McGrath's Early June Peas * * * Champion Brand."

It was alleged to be misbranded in that it 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 regulations of this Department indicating that it fell below such standard.

On January 10, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered sold. On February 17, 1939, an amended decree was entered as of January 10, 1939, ordering that the purchaser relabel the goods before sale, such relabeling to be supervised by this Department.

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

30326. Adulteration of flour. U. S. v. 75 Bags and 72 Bags of Flour (and 1 other seizure action against the same product). Default decrees of condemnation and destruction. (F. & D. Nos. 44026, 44027, 44350 to 44353, inclusive. Sample Nos. 37843-D, 37844-D, 37908-D, 37910-D, 37911-D, 50024-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 or about September 30 and November 17, 1938, the United States attorney for the Western District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 147 bags of flour at De Ridder, La., 411 bags at Crowley, La., and 199 bags