

the district court a libel praying seizure and condemnation of 17 cubes of butter at Los Angeles, Calif.; alleging that the article had been shipped in interstate commerce on or about January 8, 1939, by Carthage Creamery Co. from Carthage, Mo.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product which contained 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.

On February 21, 1939, Carthage 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.*

30342. Misbranding of canned peas. U. S. v. 162 Cases of Peas. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 44810. Sample No. 54601-D.)

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

On February 8, 1939, 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 162 cases of canned peas at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about July 23, 1938, by Krier Preserving Co. from Belgium, Wis.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Charleston Brand Wisconsin Peas * * * Early Variety."

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 regulation of this Department indicating that it fell below such standard.

On March 9, 1939, Wurm Bros. Co., Chicago, Ill., 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 relabeled in compliance with the law.

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

30343. Adulteration of strawberry jam. U. S. v. 50 Cases of Strawberry Jam. Default decree of condemnation and destruction. (F. & D. No. 44723. Sample Nos. 50554-D, 50558-D.)

This product contained excessive mold.

On January 24, 1939, 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 50 cases of canned strawberry jam at Spokane, Wash.; alleging that the article had been shipped in interstate commerce on or about December 21, 1938, by Kerr Conserving Co. from Portland, Oreg.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Kerr's Pure Jam Strawberry."

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

On March 6, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

30344. Adulteration of flour. U. S. v. 202 Bags of Flour. Default decree of condemnation and destruction. (F. & D. No. 44156. Sample No. 37858-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 October 13, 1938, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 202 bags of flour at Lake Charles, La., consigned by the Russell-Miller Milling Co.; alleging that the article had been shipped on or about August 23, 1938, from Minne-