

should contain not less than 80 percent by weight of milk fat, as prescribed by the act of March 4, 1923.

On July 28, 1939, pleas of guilty having been entered by the defendants, the court imposed a fine of \$25 to cover all defendants.

GROVER B. HILL, *Acting Secretary of Agriculture.*

**30926. Misbranding of canned peas. U. S. v. 42 Cases of Canned Peas. Default decree entered ordering product delivered to charitable institutions. (F. & D. No. 45555. Sample No. 67637-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 or about August 28, 1939, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 42 cases of canned peas at New Britain, Conn.; alleging that the article had been shipped in interstate commerce on or about August 1, 1939, by Bruder & Zweil, Inc., from Providence, R. I.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Admiration Selected Early June Peas \* \* \* Edwin Smithson Company Incorporated Distributors New York."

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 indicating that it fell below such standard.

On November 20, 1939, no claimant having appeared, judgment was entered ordering that the product be distributed to charitable institutions, and that the containers be destroyed.

GROVER B. HILL, *Acting Secretary of Agriculture.*

**30927. Adulteration of Limburger type cheese. U. S. v. 100 Cartons of Smith's Limburger Type Cheese (and 8 other seizure actions against Limburger type cheese). Default decrees of condemnation and destruction. (F. & D. Nos. 44584 to 44592, inclusive. Sample Nos. 27197-D, 27198-D, 27199-D, 59321-D, 59322-D, 59325-D, 59326-D, 59327-D, 59328-D.)**

This product had been shipped in interstate commerce and remained unsold and in the original packages. At the time of examination it was found to contain insect fragments.

On December 28, 1938, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 312 cartons, 199 boxes, 233 cases, and 14 bundles of Limburger type cheese at Scranton, Pa.; alleging that the article had been shipped within the period from July 1, 1938, to on or about November 2, 1938, by J. & H. Van Vleck from Westernville, N. Y.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Units) "Smith's Limburger Type Cheese Made in America. G. Smith and Sons Incorporated, Seelyville, Pa."

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

On August 4, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

GROVER B. HILL, *Acting Secretary of Agriculture.*

**30928. Misbranding of canned tomatoes. U. S. v. 496 Cases of Tomatoes. Consent decree of condemnation. Product released under bond to be re-labeled. (F. & D. No. 45569. Sample No. 82050-D.)**

This product fell below the standard established by this Department because it was not normally colored and it was not labeled to indicate that it was substandard.

On October 16, 1939, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 496 cases of canned tomatoes at Oklahoma City, Okla.; alleging that the article had been shipped in interstate commerce on or about September 21 and 22, 1939, by Nelson Canning Co. from Springdale, Ark.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Nelson's Hand Packed Tomatoes."