

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 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 November 3, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions for their use and not for sale.

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

**31022. Misbranding of canned peas. U. S. v. 94 Cases of Canned Peas. Decree of condemnation. Product ordered delivered to a charitable institution. (F. & D. No. 45566. Sample No. 59518-D.)**

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

On October 6, 1939, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 94 cases of canned peas at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about July 18, 1939, by Kathleen A. Leister from Westminster, Md.; and charging misbranding in violation of the Food and Drugs Act. It was labeled in part: "Elmdale Run O'Pod Early June Peas National Retailer-Owned Grocers, Inc. Distributors \* \* \* Chicago, Ill."

The article 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 the 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 November 6, 1939, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be delivered to a charitable institution and that the labels be removed or defaced.

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

**31023. Misbranding of cottonseed screenings. U. S. v. Cairo Meal & Cake Co. Plea of guilty. Fine, \$263 and costs. (F. & D. No. 42722. Sample No. 4159-D.)**

This product contained less protein than was declared on the label.

On June 6, 1939, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Cairo Meal & Cake Co., a corporation, Cairo, Ill., alleging shipment by said company on or about November 29, 1938, from the State of Illinois into the State of Kansas of a quantity of cottonseed screenings which were misbranded in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "Miss Cairo Brand."

The article was alleged to be misbranded in that the statement on the tag, "Protein—41.00%," was false and misleading and was borne on the said tag so as to deceive and mislead the purchaser since it contained less than 41 percent, namely, not more than 37.06 percent of protein.

On November 22, 1939, the defendant having entered a plea of guilty, the court imposed a fine of \$263 and costs.

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

**31024. Adulteration of frozen shrimp. U. S. v. 500 Cases of Frozen Shrimp. Consent decree of condemnation. Product ordered released under bond. (F. & D. No. 44646. Sample No. 20368-D.)**

This product was in part decomposed.

On December 21, 1938, 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 500 cases of frozen shrimp at Wilmington, Calif.; alleging that the article had been shipped in interstate commerce on or about December 11, 1938, by Joe Grasso & Son from Galveston, Tex.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Crescent Brand Fresh Frozen Shrimp."

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

On September 13, 1939, Joe Grasso & Son, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product