

Morristown, Tenn.; and charging that it was misbranded. The article was labeled in part: "White's Best Brand Tomatoes \* \* \* T. B. White Canning Company, Whitesburg, Tenn."

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 it was not normally colored, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On February 15, 1940, the T. B. White Canning Co., Whitesburg, Tenn., having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered and it was ordered that the product be released under bond for relabeling.

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

**31068. Misbranding of canned peas. U. S. v. 447 Cases of Canned Peas. Consent decree of condemnation and forfeiture. Product released under bond for relabeling. (F. & D. No. 45601. Sample No. 98683-D.)**

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

On March 11, 1940, 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 against 447 cases, each containing 24 cans, of peas at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about October 17, 1939, by Albert W. Sisk & Son from Preston, Md.; and charging that it was misbranded. The article was labeled in part: "Fame and Glory Brand Run of Pod Early June Peas \* \* \* Packed by John W. Humbert, Union Mills, Md."

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, in that the peas were not immature, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On April 5, 1940, John W. Humbert, Union Mills, Md., having entered a claim for the product and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered and it was ordered that the product be released under bond for relabeling in compliance with the law.

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

**31069. Adulteration of maple sirup and maple sugar. U. S. v. 37 Drums of Maple Sirup and 218 Bags of Maple Sugar (and 2 other seizure actions against maple sirup). Products ordered released under bond to be deleaded. (F. & D. Nos. 45607 to 45612, incl. Sample Nos. 68994-D to 68999-D, incl.)**

These products contained lead.

On June 27, 1939, the United States attorney for the District of Vermont, acting upon reports by the Secretary of Agriculture, filed libels against 282 drums of maple sirup and 218 bags of maple sugar at Burlington, Vt.; alleging that the articles had been shipped in interstate commerce by United Maple Products, Ltd., from Morrissette, Quebec, Canada, on or about June 8, 1939; and charging that they were adulterated in violation of the Food and Drug Act.

The articles were alleged to be adulterated in that they contained an added poisonous or deleterious ingredient, lead, which might have rendered them injurious to health.

On July 7, 1939, United Maple Products, Ltd., having appeared as claimant and having admitted the allegations of the libels, judgments were entered ordering that the products be released to the claimant, upon the execution of a bond conditioned that they be deleaded under the supervision of this Department.

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

**31070. Adulteration of whisky. U. S. v. 2 Quarts, 58 Pints, and 211 Half Pints of Whisky. Consent decree of condemnation and destruction. (F. & D. No. 45603. Sample No. 72457-D.)**

Analysis showed that this product contained excessive quantities of aldehydes.

On January 29, 1940, the United States attorney for the District of Nebraska filed a libel against 2 quarts, 58 pints, and 211 half pints of whisky at Omaha, Nebr.; alleging that the article had been shipped in interstate commerce on or about September 2, 1938, by Wathen Bros. from Bardstown, Ky.; and charging