

18853. Adulteration of blueberries. U. S. v. 2 Crates of Fresh Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26897. I. S. No. 34509. S. No. 5087.)

Samples of fresh blueberries from the shipment herein described having been found to contain maggots, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On August 20, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of two crates of fresh blueberries at New York, N. Y., alleging that the article had been shipped by E. V. Bates from South Brookfield (Brooksville), Me., on or about August 16, 1931, and had been transported from the State of Maine into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Tag) "From E. V. Bates, South Brooksville, Maine."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On September 10, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18854. Adulteration of blueberries. U. S. v. 3 Crates of Fresh Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26896. I. S. No. 34472. S. No. 5087.)

Samples of fresh blueberries from the shipment herein described having been found to contain maggots, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On August 20, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of three crates of fresh blueberries at New York, N. Y., alleging that the article had been shipped by Arthur Jones from Sargeantville, Me., on or about August 16, 1931, and had been transported from the State of Maine into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Tag) "From Arthur Jones South Brooksville, Maine."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On September 10, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18855. Misbranding of canned peas. U. S. v. 98 Cases of Canned Peas. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26868. I. S. No. 37818. S. No. 5039.)

Examination of samples of canned peas from the shipment herein described having shown that the article was below the standard for canned peas promulgated by the Secretary of Agriculture, and that the label failed to bear a statement showing that it fell below such standard, the Secretary of Agriculture reported the matter to the United States attorney for the Middle District of Pennsylvania.

On August 14, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 98 cases of canned peas, remaining in the original unbroken packages at Lebanon, Pa., alleging that the article had been shipped by the Torsch-Stevenson Corporation, from Milford, Del., on or about July 9, 1931, and had been transported from the State of Delaware into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Cow Boy Brand Early June Peas * * * The Torsch-Stevenson Corp. Distributors Baltimore, Md."

It was alleged in the libel that the article was misbranded in that it was canned food and fell below the standard of quality and condition and/or fill of container, promulgated by the Secretary of Agriculture for such canned food, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture, indicating that such canned food fell below such standard.

On September 2, 1931, the Torsch-Stevenson Corporation, Baltimore, Md., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be relabeled in accordance with the law applicable thereto, and should not be sold or disposed of contrary to the Federal food and drugs act or the laws of any State, Territory, district, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18856. Misbranding of orange juice. U. S. v. 52 Cans of Orange Juice
Default decree of destruction entered. (F. & D. No. 26932. I. S. No. 21167. S. No. 5139.)

Samples cans of orange juice from the shipment herein described having been found to contain less than the volume declared on the label, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Georgia.

On September 3, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 52 cans of orange juice, remaining in the original unbroken packages at Savannah, Ga., alleging that the article had been shipped by Charles F. Matlage & Sons (Inc.), New York, N. Y., on or about July 8, 1931, and had been transported from the State of New York into the State of Georgia, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Honey Moon Brand 100% Pure Orange Juice Contents Not less than 56 Fl. Oz. * * * Florida Citrus Products Corporation, Lakeland, Fla.—Charles F. Matlage & Sons, Inc., New York City, Sole Distributors."

It was alleged in the libel that the article was misbranded in that the statement on the can label, "Contents Not less than 56 Fl. Oz.," was false and misleading and deceived and misled the purchaser, since the cans contained a smaller quantity of the said article than so represented. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement represented that the cans contained more than was actually contained therein.

On September 29, 1931, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18857. Misbranding of canned orange juice. U. S. v. 175 Cases of Canned Orange Juice. Consent decree of condemnation and forfeiture.
Product released under bond. (F. & D. No. 26829. I. S. No. 22306. S. No. 5005.)

Sample cans of orange juice from the shipment herein described having been found to contain less than the declared volume, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Washington.

On August 3, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 175 cases of canned orange juice, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Florida Citrus Exchange, Tampa, Fla., on or about June 2, 1931, and had been transported from the State of Florida into the State of Washington, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Floriorange Orange Juice * * * Contents 1 pint 4 Fl. Oz. Floriorange Canneries, Inc., Main Office Mount Dora Fla."

It was alleged in the libel that the article was misbranded in that the statement, "Contents 1 pint 4 Fl. Oz.," borne on the label, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and failed to bear a plain and conspicuous statement of the quantity of the contents, since the quantity stated was incorrect.

On October 10, 1931, the Floriorange Canneries (Inc.), Mount Dora, Fla., claimant, having admitted the allegations of the libel and having consented