

flesh was red instead of yellowish-white and because the fruit was not uniform in size, and the package or label failed to bear a plain and conspicuous statement indicating that the article was substandard.

On March 16, 1934, the Alton Canning Co., Alton, N.Y., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$300, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

22156. Adulteration of dried apples. U. S. v. 49 Bags of Dried Apples. Default decree of condemnation and destruction. (F. & D. no. 32242. Sample no. 50604-A.)

This case was based on a shipment of dried apples which were found to contain filth consisting of chicken feathers, human and cat hairs, live and dead insects, and particles of insects.

On March 5, 1934, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 49 unlabeled bags of dried apples at Indianapolis, Ind., alleging that the article had been shipped in interstate commerce on or about January 25, 1934, by C. A. Lowe & Sons, from North Wilkesboro, N.C., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy substance.

On or about May 8, 1934, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22157. Misbranding of canned peas. U. S. v. 498 Cases and 683 Cases of Canned Peas. Decrees of condemnation. Product released under bond to be relabeled. (F. & D. nos. 32248, 32262. Sample nos. 38455-A, 52688-A.)

These cases involved shipments of canned peas which were substandard and were not labeled to indicate that fact; excessive proportions of mature and hard peas were found in one of the lots and an excessive amount of mature peas were found in the remaining lot.

On March 6 and 7, 1934, the United States attorney for the Southern District of California, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 1,181 cases of canned peas at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce in part on or about December 23, 1933, and in part on or about January 9, 1934, by W. E. Robinson & Co., from Bel Air, Md., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Fallston Brand Early June Peas * * * Packed for Maryland Canned Goods Co., Belair, Md."

It was alleged in the libels that the article was 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, 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 March 9, 1934, W. E. Robinson & Co., having appeared as claimant for the property and having admitted the allegation of the libels, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of bonds totaling \$775, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

22158. Misbranding of canned peas. U. S. v. 285 Cases of Canned Peas. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 32291. Sample no. 58832-A.)

This case involved a shipment of canned peas which contained an excessive proportion of mature peas and which were not labeled to indicate that they were substandard.

On March 9, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 285 cases of canned peas at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about January 3, 1934, by the G. L. Webster Canning Co., from Cheriton, Va., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Webster's Select Quality * * * Early June Peas Packed by G. L. Webster Canning Co. Incorporated, Cheriton, Virginia."

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 promulgated by the Secretary of Agriculture for such canned foods, because of the presence of an excessive number of mature peas, 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 March 23, 1934, the G. L. Webster Canning Co., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

22159. Adulteration of canned prunes. U. S. v. 98 Cases of Canned Prunes. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32332. Sample nos. 47768-A, 60446-A.)

This case involved a shipment of canned prunes which were found to be in part decomposed.

On March 16, 1934, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 98 cases of canned prunes at San Francisco, Calif., alleging that the article had been shipped on or about February 27, 1934, by the Ray-Maling Co. from Portland Oreg., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On March 31, 1934, 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.

M. L. WILSON, *Acting Secretary of Agriculture.*

22160. Adulteration and misbranding of tullibeas. U. S. v. 4 Boxes of Fish (Tullibeas). Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32346. Sample no. 65320-A.)

This case involved an interstate shipment of tullibeas which were found to be infested with worms.

On January 29, 1934, 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 4 boxes of tullibeas at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about January 23, 1934, by C. H. Helborne, from Warroad, Minn., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Shipper C. H. Helborne * * * Warroad Minn. * * * This Contains * * * 25 Yellow Pike * * * 50 Dr. Herring."

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

Misbranding was alleged for the reason that the statements, "Yellow Pike" and "Dr. Herring", were false and misleading since the article consisted wholly of tullibeas.

On March 9, 1934, 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.

M. L. WILSON, *Acting Secretary of Agriculture.*