

court a libel praying seizure and condemnation of 66 crates, each containing 32 quart cups of blueberries, at Buffalo, N. Y., alleging that the article had been shipped in interstate commerce on or about July 23, 1934, by Sol Bros., from Kelayres, Pa., and charging adulteration in violation of the Food and Drugs Act. A small card reading "Lofty-Saladigo's Selected Brand" was packed in some of the cups.

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 August 27, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

23080. Adulteration of blueberries. U. S. v. 5 Crates of Blueberries. Default decree of condemnation and destruction. (F. & D. no. 33213. Sample no. 5601-B.)

This case involved a shipment of blueberries which were infested with maggots.

On July 20, 1934, the United States attorney for the Western 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 five crates of blueberries at Buffalo, N. Y., alleging that the article had been shipped in interstate commerce on or about July 18, 1934, by P. Lippman, from Centralia, Pa., 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 whole or in part of a filthy, decomposed, or putrid vegetable substance.

On August 29, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

23081. Misbranding of canned peas. U. S. v. 725 Cases and 100 Cartons of Canned Peas. Decrees of condemnation. Product released under bond for relabeling. (F. & D. nos. 33241, 33249. Sample nos. 490-B, 494-B, 499-B.)

These cases involved canned peas that were substandard because of an excessive quantity of mature peas, and which were not labeled to show that they were substandard.

On August 9 and August 14, 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 725 cases and 100 cartons of canned peas at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce, on or about June 30, 1934, by Wm. Silver & Co., from Aberdeen, Md., and charging misbranding in violation of the Food and Drugs Act as amended. A portion of the article was labeled: "Satisfaction Brand Early June Peas Grade C Quality * * * Wm. Silver & Co., Aberdeen, Md., Distributors." The remainder was labeled: "Family Brand Early June Peas * * * Packed by D. E. Foote & Company, Inc., Baltimore, Md."

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, because of the presence of an excessive number of mature peas, 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 August 24, 1934, Wm. Silver & Co., and D. E. Foote & Co., Inc., having appeared as claimants for respective portions of the product, judgments of condemnation were entered and it was ordered that the product be released to the claimants under bond conditioned that it be relabeled.

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

23082. Misbranding of canned peas. U. S. v. 500 Cases and 500 Cases of Canned Peas. Product released under bond to be relabeled. (F. & D. no. 33242. Sample nos. 2204-B, 2205-B.)

This case involved a shipment of canned peas that fell below the standard of fill of container established by the Secretary of Agriculture, and which were not labeled to indicate that they were substandard.