

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.

On August 11, 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 1,000 cases of canned peas at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about June 29, 1934, by Gibbs & Co., Inc., from Baltimore, Md., and charging misbranding in violation of the Food and Drugs Act as amended. A portion of the article was labeled in part: "Gibbs Early June Peas \* \* \* Gibbs & Co., Inc., Distributor, Baltimore, Md."

The article was alleged to be misbranded in that it was canned food and fell below the standard of fill of container promulgated by the Secretary of Agriculture, because of excess brine, 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 September 4, 1934, Gibbs & Co., Inc., 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 claimant under bond conditioned that it be relabeled.

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

**23083. Adulteration and misbranding of cocoa dust powder. U. S. v. 3 Bags of Cocoa Dust Powder. Default decree of condemnation and destruction. (F. & D. no. 33244. Sample no. 6578-B.)**

This case involved a product invoiced as cocoa dust powder that was found to contain excess shell, dirt, and sand.

On or about August 14, 1934, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 3 bags of cocoa dust powder at New Haven, Conn., alleging that the article had been shipped in interstate commerce on or about May 25, 1934, by the Webster Cocoa & Chocolate Mills, Inc., from Chicago, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a substance containing excess shell, dirt, and sand, as indicated by high ash and crude fiber, had been mixed and packed with the article, so as to reduce, lower, and injuriously affect its quality and strength.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On September 11, 1934, no claimant having appeared, judgment of condemnation was entered and destruction of the product was ordered.

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

**23084. Misbranding of sweet mixed pickles. U. S. v. 10 Cases of Sweet Mixed Pickles. Default decree of condemnation. Product distributed to charitable institutions. (F. & D. no. 33248. Sample no. 6957-B.)**

This case involved a shipment of pickles that were not properly labeled to indicate the quantity of the contents. The label bore the printed statement, "Contents 32 Oz." An attempt, however, had been made to stamp an "x" over the figures "32" and stamp the figures "25" under the abbreviation "Oz." Both the "x" and "25" were too indistinct to be seen except on the closest scrutiny. The average net volume was found to be 24.93 fluid ounces. The product contained undeclared benzoate of soda.

On or about August 16, 1934, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 cases of mixed pickles at Meriden, Conn., alleging that the article had been shipped in interstate commerce, on or about July 17, 1934, by the Union County Pickle Co., from Elizabeth, N. J., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Marco Brand Sweet Mixed Pickles \* \* \* Union County Pickle Co., Inc."

The article was alleged to be misbranded in that it was labeled so as to deceive and mislead the purchaser, owing to failure to declare added benzoate of soda. 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