

25749. Misbranding of canned peas. U. S. v. 29 Cases of Canned Peas. Default decree of condemnation. Product delivered to a charitable institution. (F. & D. no. 36902. Sample no. 54234-B.)

This case involved an interstate shipment of canned peas that fell below the standard established by this Department because of the presence of an excessive number of mature peas and that were not labeled to indicate that they were substandard.

On December 30, 1935, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 29 cases, more or less, each containing 24 cans of peas, at Camden, N. J., alleging that the article was shipped in interstate commerce on or about December 4, 1935, by G. L. Webster Co., Inc., from Cheriton, Va., and charging that the article was misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part: "Webster's Early June Peas * * * Packed by G. L. Webster Co., Inc., Cheriton, Va."

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 for such canned food 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 July 24, 1936, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

W. R. GREGG, *Acting Secretary of Agriculture.*

25750. Adulteration and misbranding of alleged blackberry-type wine. U. S. v. 3 Cases, et al., of Alleged Blackberry-Type Wine. Decree of condemnation and forfeiture, providing for delivery of the product to the Secretary of the Treasury for disposal in accordance with law. (F. & D. 36883. Sample no. 51162-B.)

This product was an artificially colored mixture of alcohol and water containing tartaric acid.

On December 26, 1935, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District a libel praying seizure and condemnation of 19 cases of alleged blackberry-type wine in the District of Columbia, alleging that the article had been shipped in interstate commerce, on or about November 6 and December 11, 1935, by the Monarch Wine Co. Inc., New York, N. Y., into the District of Columbia and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled: (Case) "Alcoholic Contents 12 to 14% by volume Ess-Kay B and Blackberry type Wine Bottled for Samuel Kauffman Washington, D. C. Monarch Wine Co., Inc. New York, N. Y."

Adulteration of the article was charged (a) under the allegation that an artificially colored mixture of alcohol and water containing tartaric acid had been substituted for "Blackberry Type Wine"; (b) under the allegation that it was mixed in a manner whereby inferiority was concealed.

Misbranding of the article was charged (a) under the allegation that there appeared upon the bottle label the statement, to wit, "Blackberry type Wine"; (b) that the said statement was false and misleading and tended to deceive and mislead the purchaser when applied to a mixture of alcohol and water containing tartaric acid; (c) under the allegation that the article was an imitation of and was offered for sale under the distinctive name of another article.

On April 8, 1936, no claimant having appeared, a default decree of condemnation and forfeiture was entered, providing for delivery of the product to the Secretary of the Treasury for disposal in accordance with law.

W. R. GREGG, *Acting Secretary of Agriculture.*

25751. Adulteration of dressed poultry. U. S. v. 4 Barrels of Dressed Poultry. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 36885. Sample no. 48202-B.)

Decomposed poultry was present in this shipment which was a product of diseased animals.

On December 28, 1935, 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 quantities of dressed poultry at Chicago, Ill., alleging that the article had been shipped in interstate

commerce, on or about December 16, 1935, by the Nevada Poultry Co., from Nevada, Iowa, to Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Barrel) "4426—228 229 21 207 Chicks."

Adulteration of the article was charged under the allegation (a) that it consisted in whole or in part of a decomposed animal substance; and (b) under the allegation that it was a product of diseased animals.

On March 2, 1936, no claimant having appeared, a default decree of condemnation, forfeiture, and destruction was entered.

W. R. GREGG, *Acting Secretary of Agriculture.*

25752. Adulteration of dressed poultry. U. S. v. 12 Boxes, et al., of Dressed Poultry. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 36886. Sample nos. 48149-B, 48150-B, 48201-B.)

Decomposed poultry was present in this shipment which was a product of diseased animals.

On December 23, 1935, 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 12 boxes and 5 barrels of dressed poultry at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about December 13, 1935, by the Independence Produce Co., from Independence, Iowa, to Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Card tacked on barrel or box) "'Unclassified' Dressed Poultry. The poultry in this package must be inspected by an accredited inspector before being offered for sale, and only that part of it which is approved by such inspector shall be permitted to move into consumptive channels. * * * From Independence Produce Co., Independence, Iowa. * * * 29 SY 80 26 HY 75 Member Institute of American Poultry Industries 255—16 238."

Adulteration of the article was charged (a) under the allegation that it consisted in whole or in part of a decomposed animal substance; (b) under the allegation that it was the product of diseased animals.

On February 28, 1936, no claimant having appeared, a default decree of condemnation, forfeiture, and destruction was entered.

W. R. GREGG, *Acting Secretary of Agriculture.*

25753. Adulteration and misbranding of apple butter. U. S. v. 14 Dozen Bottles of Apple Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 36887. Sample no. 55379-B.)

This product was insect-infested and was made of dried apples.

On January 4, 1936, 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 14 dozen bottles of apple butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce by Holsum Products, on or about October 3, 1935, from Cleveland, Ohio, to Chicago, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Bottle) "Cyrilla Brand Net Wt. 10½ Oz. Pure Apple Butter."

Adulteration of the product was charged under the allegation that it consisted in whole or in part of a filthy vegetable substance.

Misbranding of the product was charged (a) under the allegations that the label bore the statement, to wit, "Pure Apple Butter", that the said statement was false and misleading and tended to deceive and mislead the purchaser when applied to dried apple butter; (b) under the allegation that the product was offered for sale under the distinctive name of another article.

On March 2, 1936, no claimant having appeared, a default decree of condemnation, forfeiture, and destruction was entered.

W. R. GREGG, *Acting Secretary of Agriculture.*

25754. Adulteration of tomato ketchup. U. S. v. 6 Cases of Tomato Ketchup. Default decree of condemnation and destruction. (F. & D. no. 36893. Sample no. 44041-B.)

This case involved tomato ketchup that contained excessive mold.

On December 27, 1935, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of six cases of tomato ketchup at Brockton, Mass., alleging that the article had been shipped in