

On May 23, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

26044. Misbranding of canned peas. U. S. v. 266 Cases of Canned Peas. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 87481. Sample nos. 70611-B, 70612-B.)

This case involved canned peas that fell below the standard established by this Department because they were not immature, as evidenced by the presence of an excessive percentage of ruptured peas, and which were not labeled to indicate that they were substandard.

On March 28, 1936, 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 266 cases of canned peas at Trenton, N. J., alleging that the article had been shipped in interstate commerce on or about August 22, 1935, by Phillips Packing Co., Inc., from Cambridge, Md., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Saleco Brand Early June Peas * * * Phillips Sales Co., Inc., Cambridge, Md., U. S. A. Distributors."

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 since the peas were not immature and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On June 12, 1936, the Phillips Sales Co., Inc., having appeared as claimant and having consented to an entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled.

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

26045. Adulteration of walnut meats. U. S. v. 40 Cartons of Walnut Meats. Consent decree of condemnation. Product released under bond. (F. & D. no. 37485. Sample no. 65286-B.)

This case involved shipment of walnut meats that were in part worm-eaten, moldy, and decomposed.

On March 27, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 40 cartons of walnut meats at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about March 4, 1936, by D. Granton & Co., from Wilmington, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Ord Granton and Co. Ntfy Crescent Mfg. Co. Seattle, Wash."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed vegetable substance.

On April 13, 1936, Granton & Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered that the product be released under bond conditioned that the good nuts be separated from the bad and the latter destroyed.

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

26046. Misbranding of canned tomatoes. U. S. v. 362 Cases of Canned Tomatoes. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. no. 37487. Sample no. 59189-B.)

This case involved an interstate shipment of canned tomatoes that fell below the standard established by the Department of Agriculture because they were not normally colored and normally flavored and they were not labeled to indicate that they were substandard.

On March 30, 1936, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 362 cases of canned tomatoes at El Reno, Okla., alleging that the article had been shipped in interstate commerce on or about October 6, 1935, by Chas. L. Diven, Inc., from Gentry, Ark., and that it was misbranded in violation of the Food and Drugs Act as amended. The article was labeled: "Cream of the Valley Brand Hand Packed Tomatoes Contents 1 Lb. 3 Oz. Cream of the Valley Supreme Chas. L. Diven, Inc. Main Office Gentry, Ark."