

27094. Misbranding of canned peas. U. S. v. 50, 49, 47, and 48 Cases of Canned Peas. Decrees of condemnation. Product released under bond to be relabeled. (F. & D. nos. 39001 to 39004, incl. Sample nos. 12161-C, 12164-C, 12165-C, 12166-C.)

This product fell below the standard for canned peas established by this Department and was not labeled to indicate that it was substandard.

On January 28, 1937, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 194 cases of canned peas at Providence, R. I., alleging that they had been shipped in interstate commerce on or about December 13 and December 29, 1936, from Baltimore, Md., by A. W. Sisk & Son, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Eventide Brand * * * Early June Peas Distributed by R. O. Dulin Preston, Md."

It was alleged to be misbranded in that it fell below the standard of quality and condition promulgated by the Secretary of Agriculture since the peas were not immature and more than 25 percent were ruptured, and the package or label did not bear a plain and conspicuous statement indicating that it fell below such standard.

On June 29, 1937, A. W. Sisk & Son, claimant, having admitted the allegations of the libels, judgments of condemnation were entered and it was ordered that the product be released under bond conditioned that it be relabeled as directed by this Department.

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

27095. Adulteration of canned beets. U. S. v. 134 Cases of Canned Beets. Default decree of condemnation and destruction. (F. & D. no. 39007. Sample no. 19730-C.)

This case involved canned beets that were decomposed.

On January 28, 1937, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 134 cases of canned beets at Minneapolis, Minn., alleging that they had been shipped in interstate commerce on or about November 24 and November 30, 1936, by the Plymouth Packing Co., from Plymouth, Wis., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Xlnt Brand Sliced Beets * * * Packed for Minneapolis Allied Grocers Inc. Minneapolis, Minn."

It was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On March 22, 1937, 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.*

27096. Adulteration and misbranding of canned shrimp. U. S. v. 15 Cases of Canned Shrimp. Default decree of condemnation and destruction. (F. & D. no. 39011. Sample no. 13884-C.)

This product was wholly or in part decomposed and fell below the standard of fill of container prescribed by the Secretary of Agriculture.

On January 27, 1937, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 cases of canned shrimp at New Orleans, La., alleging that it had been delivered to a common carrier for export to Cuba by the Goodman & Beer Co., of New Orleans, La., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Barataria Brand Packed for Export Only Shrimp * * * Packed for Goodman & Beer Co. Inc. New Orleans, La."

It was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

The article was alleged to be misbranded in that it was canned food and fell below the standard of fill of container promulgated for such canned food, since it was slack-filled, 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 March 1, 1937, 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.*