

27439. Adulteration of herring. U. S. v. 20 Boxes of Herring. Default decree of condemnation and destruction. (F. & D. no. 39391. Sample no. 19612-C.)

This product was infested with worms.

On April 16, 1937, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 boxes of herring at Green Bay, Wis., alleging that the article had been shipped in interstate commerce on or about February 23, 1937, by L. Isaacson & Stein from Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act. It was labeled in part: "From L. Isaacson & Stein * * * Chicago, Ill."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy animal substance.

On May 29, 1937, 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.*

27440. Misbranding of canned peas. U. S. v. 60 Cases and 851 Cases of Canned Peas. Decrees of condemnation. Portion of product released under bond conditioned that it be relabeled. Remainder ordered destroyed. (F. & D. nos. 39394, 39862. Sample nos. 8066-C, 20616-C.)

This product was substandard because the peas were not immature, and it was not labeled to indicate that it was substandard.

On April 22 and June 15, 1937, the United States attorneys for the Districts of Connecticut and Maryland, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 60 cases of canned peas at Manchester, Conn., and 851 cases of canned peas at Baltimore, Md., alleging that the article had been shipped in interstate commerce in various shipments on or about July 17 and August 14, 1936, and May 17, 1937, by A. Krasne, Inc., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. A portion of the article was labeled: (Cans) "Union Jack Early June Peas * * * Calvert Canning Co. Baltimore, Md., Distributors." The remainder was labeled: "Imperial Brand * * * Early June Peas * * * Lord-Mott Co. Baltimore, 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—more than 25 percent being ruptured; 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 14, 1937, no claimant having appeared for the product seized at Manchester, Conn., judgment of condemnation was entered and it was ordered destroyed. On June 18, 1937, a claim having been entered for the product seized at Baltimore, Md., judgment of condemnation was entered. The decree provided that the product might be released under bond conditioned that it be relabeled.

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

27441. Misbranding of canned peas. U. S. v. 40 Cases of Canned Peas. Default decree of condemnation and destruction. (F. & D. no. 39395. Sample no. 20615-C.)

This product was substandard because the peas were not immature, and it was not labeled to indicate that it was substandard.

On or about April 22, 1937, 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 40 cases of canned peas at Manchester, Conn., alleging that they had been shipped in interstate commerce on or about July 23, 1936, by Krasne Bros., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Cans) "Ma-Son Early June Peas * * * Stevenson-Mairs Co. Distributors Baltimore, Md."

It 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, more than 25 percent being ruptured 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.