

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.

On June 10, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

27442. Adulteration of raisins. U. S. v. 185 Cases of Raisins. Default decree of condemnation and destruction. (F. & D. no. 39421. Sample no. 18680-C.)

This case involved raisins that were insect-infested.

On April 23, 1937, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 185 cases of raisins at Memphis, Tenn., alleging that the article had been shipped in interstate commerce on or about December 8, 1936, by the California Packing Co. [Corporation] from Fresno, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Regent Brand California Cluster Raisins Packed by Del-Rey Packing Company Del-Rey, California."

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

On July 10, 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.*

27443. Adulteration and misbranding of preserves. U. S. v. The W. M. Spencer Sons Co. Plea of guilty. Fine, \$120. (F. & D. no. 39440. Sample nos. 5531-C to 5536-C, incl.)

These products were represented to be preserves but contained less fruit and more sugar than standard preserves should contain. All lots contained added pectin and acid, and with the exception of one of the two shipments of strawberry preserves, they contained water that should have been boiled off in the process of manufacture. The labels of all lots but one failed to declare the benzoate of soda present in the articles.

On April 26, 1937, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the W. M. Spencer Sons Co., Cincinnati, Ohio, charging shipment by said defendant in violation of the Food and Drugs Act on or about June 12, July 15, and July 16, 1936, from the State of Ohio into the State of Kentucky of quantities of preserves which were adulterated and misbranded. Certain lots were labeled in part: "Spencer * * * Strawberry [or "Raspberry", "Blackberry", or "Peach"] Preserves." The remaining lots were labeled in part: "Spencer Pure Cherry [or "Strawberry"] Preserves * * * Manufactured by the W. M. Spencer Sons Co., Cincinnati, Ohio."

The articles were alleged to be adulterated in that substances containing sugar, acid, and pectin—and (with the exception of one of the lots of the strawberry variety) water which should have been removed in the process of cooking, had been mixed and packed with the articles so as to reduce and lower their quality as preserves; in that substances containing mixtures of fruit, acid, and pectin, and sugar in a proportion to fruit larger than is contained in preserves, and (with the exception of one lot of strawberry preserve) also containing water which should have been removed in the process of cooking, had been substituted wholly for products which the labels represented the articles to be, namely, preserves; and in that the articles were inferior to preserves and their inferiority was concealed by the mixing and packing as aforesaid.

The articles were alleged to be misbranded in that there were borne upon the labels the statements "Strawberry Preserves", "Raspberry Preserves", "Blackberry Preserves", "Peach Preserves", "Cherry Preserves", and "Pure Strawberry Preserves"; that the articles were not preserves; that they were substances containing mixtures of fruit, acid, and pectin, and (with the exception of one lot of the strawberry variety) also containing water which should have been removed in the process of cooking, and sugar in a proportion to fruit larger than is contained in preserves; that said statements were false and misleading; and in that by said statements the articles were labeled so as to deceive and mislead the purchasers; and in that the articles were imitations of preserves and had been offered for sale under the distinctive names of other articles, namely, strawberry, raspberry, blackberry, peach, and cherry preserves. Misbranding was alleged with respect to all lots with the exception of one lot of the strawberry variety for the further reason that the articles