27641. Adulteration of canned tuna. U. S. v. 260 Cases, et al., of Tuna. Decrees of condemnation. Product released under bond for segregation and destruction of decomposed portion. (F. & D. Nos. 39920, 39923, 39961. Sample Nos. 41243–C, 41244–C, 41247–C.)

Samples of this product were found to be decomposed.

On June 28, June 30, and July 9, 1937, the United States attorney for the District of Colorado, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 848 cases of canned tuna at Denver, Colo., consigned by the Van Camp Sea Food Co., Inc., alleging that the article had been shipped in interstate commerce, in part from Terminal Island, Los Angeles, Calif., on or about March 27, and in part from San Diego, Calif., on or about May 11, 1937, and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled: (Cans) "Chicken of the Sea Brand Select Tuna." The remainder was labeled: "Blue and White Brand Pacific Ocean Light Meat Tuna * * * Red and White Corp'n Distributors Chicago, Ill."

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

On July 31, 1937, Van Camp Sea Food Co., Inc., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released to the claimant under bond, conditioned that the decomposed portion be segregated and destroyed.

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

27642. Misbranding of canned peas. U. S. v. 33 Cases of Peas. Default decree of condemnation. (F. & D. No. 39964. Sample No. 42131–C.)

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

On May 27, 1937, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 33 cases of canned peas at Washington, D. C., alleging that the article had been shipped on or about March 4, 1937, by D. E. Foote & Co., Inc., from Baltimore, Md., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Early June Peas Packed by D. E. Foote & Co. Incorporated. 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, 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 19, 1937, no claimant having appeared, judgment of condemnation was entered ordering that the product be disposed of in such manner as would not violate the provisions of law.

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

27643. Adulteration and misbranding of butter. U. S. v. One Can of Butter. Default decree of condemnation and destruction. (F. & D. No. 40000. Sample No. 31650–C.)

This product contained less than 80 percent of milk fat.

On June 23, 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 a libel praying seizure and condemnation of one can of butter at Cincinnati, Ohio, consigned on or about June 19, 1937, alleging that it had been shipped in interstate commerce by Curtis & McComas from Glasgow, Ky., and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, which it purported to be.

It was alleged to be misbranded in that it was sold as and purported to be butter, whereas it was not butter since it contained less than 80 percent of milk fat.

On June 24, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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