

and forfeiture was entered. The property was ordered released under bond conditioned that it be brought up to the legal standard under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28409. Misbranding of Wood's Golden Syrup. U. S. v. 26 Cases of Wood's Golden Syrup. Consent decree entered. Product ordered released under bond to be relabeled. (F. & D. No. 40018. Sample No. 42167-C.)**

The net weight of this product was found to be less than that declared, and its labeling also contained false and fraudulent curative and therapeutic claims.

On July 30, 1937, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 26 cases of Wood's Golden Syrup at Woodstock, Va., alleging that the article had been shipped in interstate commerce on or about May 7, 1937, by Wood's Mince Meat Co. from Baltimore, Md., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Wood's Mince Meat Co., Baltimore, Md."

It was alleged to be misbranded in that the statement on the label, "Net Weight 2 lbs. 6 Oz.," was false and misleading and tended to deceive and mislead the purchaser as applied to an article that was short weight; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the quantity stated was not correct. It was alleged to be misbranded further in that the statements, "Recommended to aid digestion. Syrup is recommended by medical science as an energy for the brain and a tissue builder," were false and fraudulent.

On August 20, 1937, Wood's Mince Meat Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered ordering the product released under bond to be relabeled under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28410. Adulteration of tomato puree. U. S. v. 160 Cases of Tomato Puree. Consent decree of condemnation and destruction. (F. & D. No. 41062. Sample No. 49550-C.)**

This product contained excessive mold.

On December 11, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 160 cases of tomato puree at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 19, 1937, by the Butterfield Canning Co. from Muncie, Ind., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Sweetheart Tomato Puree Packed For Franklin MacVeagh and Co. Chicago, Illinois."

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

On December 28, 1937, the claimant having consented to the entry of a decree, judgment of condemnation, with order of destruction, was entered.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28411. Misbranding of canned peas. U. S. v. 1,000 Cases of Canned Peas. Product released under bond for relabeling. (F. & D. No. 41036. Sample No. 58008-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 December 9, 1937, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,000 cases of canned peas at Richmond, Va., alleging that the article had been shipped in interstate commerce on or about September 25, 1937, from Mount Airy, Md., by Burton Proctor & Son, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "USB4 Brand Early June Peas \* \* \* Burton Proctor & Son Distributors Preston, Md., U. S. A."

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 label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On December 16, 1937, Mount Airy Canning Co., Preston, Md., having petitioned the release of the product, it was ordered released under bond, conditioned that it be relabeled.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28412. Misbranding of canned peas. U. S. v. 420 Cases of Canned Peas. Product released under bond for relabeling. (F. & D. No. 41007. Sample No. 58009-C.)**

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

On December 7, 1937, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 420 cases of canned peas at Richmond, Va., alleging that the article had been shipped in interstate commerce on or about September 14, 1937, from Hampstead, Md., by Bankert Bros., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Hampstead Brand Early June Peas Packed by Bankert Brothers Hampstead 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 the Secretary of Agriculture indicating that it fell below such standard.

On December 10, 1937, Bankert Bros., claimants, having petitioned the release of the product, it was ordered released under bond conditioned that it be relabeled.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28413. Adulteration of tomato paste. U. S. v. 88 Cases of Tomato Paste. Default decree of condemnation and destruction. (F. & D. No. 41026. Sample No. 55252-C.)**

This product contained excessive mold.

On December 7, 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 a libel praying seizure and condemnation of 88 cases of tomato paste at Providence, R. I., alleging that the article had been shipped in interstate commerce on or about April 1, 1937, from Waterbury, Conn., by William Shore, Inc., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Solé Brand \* \* \* Tomato Paste \* \* \* Packed By Canadaigua Juice Co. Canandaigua, N. Y."

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

On December 30, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28414. Misbranding of canned cherries. U. S. v. 108 Cases of Canned Cherries. Consent decree entered. Product ordered released under bond for relabeling. (F. & D. No. 41040. Sample No. 64001-C.)**

This product was substandard because it contained an excessive number of pits and was not labeled to indicate that it was substandard.

On December 8, 1937, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 108 cases of canned cherries at Lewiston, Idaho, alleging that the article had been shipped in interstate commerce on or about July 21, August 19, and October 21, 1937, from Portland, Oreg., by the Columbia Van & Storage Co., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Porto Standard Fruit in Water Red Sour Pitted Cherries Packed for Mason Ehrman and Co. Main Office Portland Oregon."

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 there were present cans containing more than one cherry pit per 20 ounces of net contents, and its package or label did not bear a plain and