

On April 8, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

28899. Misbranding of canned peas. U. S. v. 654 Cartons of Canned Peas. Decree of condemnation. Product released under bond for relabeling. (F. & D. No. 41874. Sample No. 17045-D.)

This product fell below the standard established by this Department since the peas were not immature, and it was not labeled to indicate that it was substandard. Moreover, its labeling bore a false and misleading statement regarding the variety of the peas.

On March 4, 1938, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 654 cartons of canned peas at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about January 11, 1938, from Rehoboth, Del., by Stokely Bros. & Co., Inc., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "American Wonder Brand Select Early June Peas * * * Fame Canning Company, * * * Indianapolis, Ind."

It was alleged to be misbranded in that the statement borne on the label, "American Wonder," was false and misleading and tended to deceive and mislead the purchaser when applied to peas of another variety. It was alleged to be misbranded further 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 April 2, 1938, Howard E. Jones & Co., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled.

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

28900. Adulteration of evaporated apples. U. S. v. 280 Boxes of Evaporated Apples. Decree of condemnation and destruction. (F. & D. Nos. 41563, 41564. Sample Nos. 116-D, 117-D.)

This product was worm-infested.

On February 1, 1938, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 280 boxes of evaporated apples at Denver, Colo., consigned by Claypool & Hazel, alleging that the article had been shipped in interstate commerce on or about October 9, 1937, from Springdale, Ark., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Morning Glory Brand Evaporated Apples. Packed By Claypool & Hazel, Springdale, Ark."

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

On February 11, 1938, Claypool & Hazel, having signed an acceptance of service and authorization, judgment of condemnation was entered and the product was ordered destroyed.

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

28901. Misbranding of preserves. U. S. v. 309 Jars of Raspberry Preserves and 93 Jars of Strawberry Preserves. Default decree of condemnation and destruction. (F. & D. No. 37351. Sample Nos. 44145-B, 44148-B, 65850-B, 65851-B.)

Samples of these products were found to be short of the declared weight.

On March 11, 1936, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 309 jars of raspberry and 93 jars of strawberry preserves at Springfield, Mass., alleging that the articles had been shipped in interstate commerce on or about August 14 and November 22, 1935, by Sambo Dairy Products, Inc., from Brooklyn, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The articles were labeled in part: "Nessco Brand * * * Pure Raspberry Preserves Net