

the articles had been shipped in interstate commerce on various dates between November 14, 1936, and December 7, 1937, from Donna and Brownsville, Tex., by the Taormina Corporation, and charging adulteration in violation of the Food and Drugs Act. Portions were labeled: "Deer Brand Mustard [or "Turnip"] Greens * * * Packed for Uddo Taormina Corporation." The remainder was labeled: "Dubon Brand Mustard Greens * * * Distributed by Dubon Company, Inc. Wilmington, Del. [or "New Orleans, La."]."

The articles were alleged to be adulterated in that they consisted in whole or in part of filthy vegetable substances.

On April 20 and 22, 1938, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

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

28922. Adulteration of canned peas with snaps. U. S. v. 134 Cases of Canned Peas with Snaps (and 3 similar seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 41456, 41644, 41682, 41684. Sample Nos. 754-D, 761-D, 800-D, 10243-D.)

Samples of this product were found to be infested with weevils and other insects.

On or about January 22 and February 8, 12, and 15, 1938, the United States attorney for the Southern District of Florida and the Eastern and Western Districts of North Carolina, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 585 cases of canned peas with snaps in various lots at Jacksonville, Fla., and Charlotte and Fayetteville, N. C., alleging that the article had been shipped in interstate commerce on various dates between October 20 and December 1, 1937, from Charleston, S. C., by Shelmore Oyster Products Co., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Crystal Bay Brand Fresh Field Peas with Snaps * * * Shelmore Oyster Products Co. Charleston, S. C."

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

On April 12, 18, and 25, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

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

28923. Misbranding of canned cherries. U. S. v. 173 Cartons of Canned Cherries. Decree of condemnation. Product ordered released under bond for relabeling. (F. & D. No. 41485. Sample No. 29700-C.)

This product was substandard because it contained excessive pits and was not of standard fill, and it was not labeled to indicate that it was substandard.

On January 20, 1938, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 173 cartons of red sour pitted cherries at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about January 4, 1938, by Valley Fruit Canning Co. from Seattle, Wash., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Casco Brand * * * Red Sour Pitted Water Pack Cherries * * * California Supply Company Distributors San Francisco, California."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality, condition, and fill of container promulgated by the Secretary of Agriculture, since there was present more than 1 cherry pit per 20 ounces of net contents and the cans were not of standard fill; and the 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 February 19, 1938, A. M. Beebe Co. having appeared as claimant, judgment of condemnation was entered, and the product was ordered released to claimant under bond conditioned that it be relabeled under the supervision of this Department.

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

28924. Misbranding of canned cherries. U. S. v. 139 Cases and 31 Cases of Canned Cherries. Consent decrees of condemnation. Product released under bond for relabeling. (F. & D. Nos. 41279, 41759. Sample Nos. 30189-C, 11529-D.)

This product fell below the standard for fill of container established by this Department, but was not labeled to indicate that it was substandard.