

Maine, alleging that the article had been shipped in interstate commerce on or about February 10, 1938, from Boston, Mass., by Gloria Chocolate Co., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Chimes Chocolates * * * One Pound Net * * * Gloria Chocolate Co., Boston, Mass."

It was alleged to be misbranded in that the statement "One Pound Net" was false and misleading and tended to deceive and mislead the purchaser when 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.

On March 5, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

28966. Adulteration of flour. U. S. v. 6,300 Sacks of Flour. Consent decree of condemnation. Product released under bond to be disposed of for feed or other lawful purpose. (F. & D. No. 40964. Sample No. 44283-C.)

This product was weevil- and insect-infested.

On November 30, 1937, the United States attorney for the Middle District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 6,300 sacks of flour at Dothan, Ala., alleging that the article had been shipped in interstate commerce on or about June 15, 1937, from Pendleton, Oreg., by Collins Flour Mills, Inc., to Panama City, Fla., and that it had been reshipped on or about November 17, 1937, to Dothan, Ala., and charging that it was adulterated in violation of the Food and Drugs Act.

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

On April 16, 1938, Indiana Flour Co., Inc., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be manufactured into feed or denatured or otherwise disposed of in conformity with the law.

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

28967. Adulteration of frozen eggs. U. S. v. 181 Cans of Frozen Eggs. Decree of condemnation. Product released under bond. (F. & D. No. 42086. Sample No. 16996-D.)

This product was in part decomposed.

On March 30, 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 181 cans of frozen eggs at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about November 22, 1937, from Chicago, Ill., by Marshall Kirby & Co., and charging adulteration in violation of the Food and Drugs Act.

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

On April 27, 1938, Marshall Kirby & Co., Inc., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond conditioned that it should not be disposed of in violation of the law. The decomposed portion was segregated and destroyed.

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

28968. Adulteration of apples. U. S. v. 53 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. No. 41235. Sample No. 59689-C.)

Examination of this product showed the presence of excessive arsenic and lead.

On October 15, 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 53 bushels of apples at Rockford, Ill., alleging that the article had been shipped in interstate commerce on or about October 10, 1937, from Benton Harbor, Mich., by C. L. Heinlen Co., and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "L. C. Harris, R. 1, Benton Harbor, Mich."

It was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On April 20, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

28969. Adulteration of apples. U. S. v. 25 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. No. 41234. Sample No. 59647-C.)

Examination of this product showed the presence of excessive arsenic and lead.

On October 15, 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 25 bushels of apples at Rockford, Ill., alleging that the article had been shipped in interstate commerce on or about October 6, 1937, from Benton Harbor, Mich., by R. J. Darrington & Son to themselves at Rockford, Ill., and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "L. C. Harris, R. 1, Benton Harbor, Mich."

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On April 20, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

28970. Adulteration of apples. U. S. v. 25 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. No. 40851. Sample No. 59459-C.)

Examination of this product showed the presence of excessive arsenic and lead.

On October 6, 1937, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 25 bushels of apples at Terre Haute, Ind., alleging that the article had been shipped in interstate commerce on or about September 27, 1937, from Benton Harbor, Mich., by Oliver Kirkman, and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "From Nelson C. Kreiger, R. 2, Watervliet, Mich."

It was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, lead and arsenic, which were harmful to health and which might have rendered use of the product harmful.

On December 11, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

28971. Adulteration and misbranding of canned peas; adulteration of canned cherries. U. S. v. Ray-Maling Co., Inc. Plea of guilty. Fine, \$750. (F. & D. No. 40748. Sample Nos. 29399-C, 32679-C, 32845-C, 32850-C.)

The canned cherries were adulterated because of the presence of maggots. The canned peas were adulterated because of the presence of weevils, and certain lots were misbranded because they were falsely labeled "Garden Run."

On December 30, 1937, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Ray-Maling Co., Inc., Hillsboro, Oreg., alleging shipment by said corporation on or about September 30, 1936, and April 3, 1937, from the State of Oregon into the State of Washington of quantities of canned peas that were adulterated and one lot of which was also misbranded in violation of the Food and Drugs Act. The information alleged further violation of the said act in that the said defendant sold to Balfour, Guthrie & Co., Ltd., Portland, Oreg., under a guaranty that the article conformed to the Food and Drugs Act a quantity of canned cherries; that the said article was shipped by the purchaser in the identical condition as when so sold and guaranteed, on or about February 9, 1937, from the State of Oregon into the State of New York, and that the said canned cherries were adulterated in violation of said act; and furthermore that the defendant sold to the Western States Grocery Co., Portland, Oreg., a quantity of canned peas under a guaranty of the same import that the said canned peas were shipped by the purchaser on or about March 25, 1937, from the State of Oregon into the State of Washington, in the identical condition as when so sold and guaranteed; that the canned peas were adulterated and misbranded; and that the defendant by virtue of the said guaranties was amenable to prosecution for such shipments. The peas were labeled in part: "Raycroft * * *