

**29087. Adulteration of skim milk powder. U. S. v. 16 Bags of Skim Milk Powder. Default decree of condemnation and destruction. (F. & D. Nos. 41532, 41533. Sample Nos. 4521-D, 4522-D.)**

Examination of samples of this article showed evidence of excessive sourness and decomposition.

On January 25, 1938, the United States attorney for the District of North Dakota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 16 bags of skim milk powder at Grand Forks, N. Dak.; alleging that the article had been shipped in interstate commerce from Moorhead, Minn., via Fargo, N. Dak., in part on or about January 4, 1938, by Fargo Food & Equipment Co., as salesman for Cass Clay Cooperative Creamery; and in part on or about December 29, 1937, by Northwestern Supply Co., as jobbers for Cass Clay Cooperative Creamery; 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 May 10, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

**29088. Adulteration of fresh spinach. U. S. v. 320 Baskets of Fresh Spinach. Default decree of condemnation and destruction. (F. & D. No. 42125. Sample No. 17076-D.)**

This product was infested with aphids.

On April 2, 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 320 baskets of fresh spinach at Baltimore, Md.; alleging that the article had been shipped in interstate commerce on or about March 31, 1938, from Suffolk, Va., by W. S. Cross; 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 filthy vegetable substance.

On May 6, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

**29089. Misbranding of canned tomatoes with puree from trimmings. U. S. v. 995 Cases of Tomatoes with Puree from Trimmings. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. No. 42073. Sample Nos. 2996-D, 11824-D.)**

This product fell below the standard established by this Department because it did not consist of whole or large pieces, and it was not labeled to indicate that it was substandard.

On March 28, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 995 cases of the above-named product at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about February 24, 1938, from Stockton, Calif., by Parrott & Co.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Lodi Brand Tomatoes With Puree From Trimmings Parrott & Co., San Francisco, California."

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 it did not consist of whole or large pieces 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 May 2, 1938, Parrott & Co., San Francisco, Calif., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond with the condition that it be relabeled.

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

**29090. Adulteration of shelled peanuts. U. S. v. 50 Bags of Shelled Peanuts. Default decree of condemnation and destruction. (F. & D. No. 42139. Sample No. 9889-D.)**

This product contained an excessive proportion of dirty kernels.

On April 7, 1938, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 bags of shelled