

29167. Adulteration of maple sirup. U. S. v. 55 Drums of Maple Sirup (and one similar seizure action). Decrees releasing product for deleading. (F. & D. Nos. 42404, 42405. Sample Nos. 12391-D, 12399-D.)

This product contained lead.

On May 18 and 19, 1938, the United States attorney for the District of Vermont, acting upon a report by the Secretary of Agriculture, filed in the district court two libels praying seizure and condemnation of 148 drums of maple sirup at St. Johnsbury, Vt.; alleging that the article had been shipped in interstate commerce on or about May 2 and 3, 1938, from Carthage and Canton, N. Y., by F. L. Phillips; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it injurious to health.

On June 24, 1938, F. L. Phillips, Watertown, N. Y., claimant, having admitted the allegations of the libels, the product was ordered released under bond conditioned that it be subjected to a deleading process under the supervision of this Department, in order to eliminate the lead.

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

29168. Adulteration of candy. U. S. v. 2 Cartons of Candy, et al. Consent decree of condemnation and destruction. (F. & D. Nos. 42464 to 42468, incl. Sample Nos. 22321-D to 22325-D, incl.)

Samples of this product were found to contain rodent hairs and to be moldy, wormy, and insect-infested.

On May 27, 1938, 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 nine boxes of candy at Chicago, Ill.; alleging that the article had been shipped in interstate commerce by the Martha Washington Candies Co., between the dates of March 21 and April 29, 1938, in various shipments from Terre Haute, Richmond, and South Bend, Ind., Kansas City, Mo., and Akron, Ohio; 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 and decomposed vegetable substance.

On June 8, 1938, the claimant having consented thereto, judgment of condemnation was entered and the product was ordered destroyed.

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

29169. Misbranding of canned dry peas. U. S. v. 50 Cases of Peas. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. & D. No. 42416. Sample No. 17696-D.)

This product was cooked dry peas but was labeled to indicate that it was immature green peas.

On May 23, 1938, the United States attorney for the Territory of Hawaii, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 cases of canned dry peas at Honolulu, Hawaii, consigned by Y. Takokuwa & Co., alleging that the article had been shipped from San Francisco, Calif., on or about April 23, 1938; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Lodi Brand [vignette of dish of bright green peas] * * * Dry Cooked Peas Parrott & Co. San Francisco California."

Misbranding was alleged in substance in that the design of a dish of immature green peas and the unduly emphasized word "Peas," borne on the label, were false and misleading and tended to deceive and mislead the purchaser since they gave the impression that the article was the usual canned immature peas, which misleading impression was not corrected by the relatively inconspicuous words "Dry Cooked."

On June 9, 1938, no claimant having appeared, judgment of forfeiture was entered and the product was ordered delivered to a charitable institution.

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

29170. Adulteration and misbranding of Solvene. U. S. v. 25 Gallons of Solvene. Default decree of condemnation. (F. & D. No. 41260. Sample No. 50584-C.)

This product was commercial carbitol, a glycol or a glycol ether, or both, poisons.

On December 27, 1937, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 25 gallons of Solvene