On July 2, 1938, H. H. Gervais, St. Johnsbury, Vt., claimant, having admitted the allegations of the libel, judgment was entered ordering that the product be released under bond, conditioned that it be deleaded and all injurious ingredients removed under the supervision of this Department.

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

29311. Misbranding of canned peas. U. S. v. 51 Cases of Canned Peas (and 4 similar actions). Consent decree of condemnation. Product released under bond for relabeling. (F. & D. Nos. 41664, 41665, 41725, 41726, 41727. Sample Nos. 2120-D, 2166-D, 2168-D, 2169-D, 2170-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.

On February 19 and 21, 1938, the United States attorney for the District of South Dakota, acting upon reports by the Secretary of Agriculture, filed in the district court five libels praying seizure and condemnation of 344 cases of canned peas in various lots at Sioux Falls, Brookings, Huron, and Watertown, S. Dak.; alleging that the article had been shipped in interstate commerce on October 27 and 29, 1937, from Port Washington, Wis., by Clyman Canning Co.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Ozaukee [or "Win-All"] Brand * * * Peas * * * Knellsville Pea Canning Company [or "Co."] Fort Washington, Wisconsin."

It was alleged to be misbranded in that it was substandard because the peas were not immature, since the alcohol-insoluble solids in the drained peas exceeded 23.5 percent, and its label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that the contents of the cans were substandard.

On March 31, 1938, Morin, Beattie Co., Sioux Falls, S. Dak.; Beattie, Steinborn Co.; Brookings, S. Dak.; Morin, Colton & Co., Huron, S. Dak.; and Park Grant Co., Watertown, S. Dak., claimants for respective lots of the article, having admitted the allegations of the libels and having consented to the entries of decrees, judgments of condemnation were entered and the product was ordered released under bond conditioned that it be relabeled.

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

29312. Adulteration of flour. U. S. v. 5 Barrels of Flour. Default decree of condemnation and destruction. (F. & D. No. 43128. Sample No. 15278-D.)

This product was infested with insects.

On August 2, 1938, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of five barrels of flour at Kansas City, Mo.; alleging that the article had been shipped in interstate commerce on or about July 1, 1938, from Chicago, Ill., by Armour & Co.,; and charging adulteration in violation of the Food and Drugs Act. The product originally had been shipped by Ettlinger Casing & Supply Co. from Kansas City, Kans., to Armour & Co., by whom it was returned as alleged in the libel. The article was labeled in part: "Ettlinger Sausage and Loaf Binder Flour * * * Ettlinger Csg. & Sup. Co. K. C. Mo."

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

On August 12, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

29313. Adulteration of crab meat. U. S. v. 1 Keg of Crab Meat. Default decree of condemnation and destruction. (F. & D. No. 43227. Sample No. 34156-D.)

This product contained evidence of the presence of filth.

On August 6, 1938, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one keg of crab meat at Washington, D. C.; alleging that the article had been shipped in interstate commerce on or about August 3, 1938, by Wallace M. Quinn Co., from Crisfield, Md.; and charging adulteration in violation of the Food and Drugs Act.

It was alleged to be adulterated in that it consisted of a filthy animal substance.