

**29421. Adulteration of blueberries. U. S. v. 7 Crates and 14 Crates of Blueberries. Default decrees of condemnation and destruction. (F. & D. Nos. 43370, 43434. Sample Nos. 26531-D, 26667-D.)**

This product was infested with maggots.

On August 12 and 16, 1938, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 21 crates of blueberries at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about August 10 and 14, 1938, by M. S. Pollock from Tresckow, Pa.; 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, decomposed, and putrid vegetable substance.

On September 9, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

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

**29422. Adulteration and misbranding of candy. U. S. v. 20 Boxes of Candy (and 4 other seizure actions against the same product). Default decrees of condemnation and destruction. (F. & D. Nos. 42981, 43036, 43081, 43122, 43129, 43130. Sample Nos. 16251-D, 23862-D, 23874-D, 23903-D, 23904-D, 23905-D.)**

Samples of this product were found to contain insects, insect fragments, and rodent hairs. In certain instances the quantity of the contents was not correctly declared since in one lot a shortage from the declared weight was found and in three lots the statement on the labels, "½ oz. or over," gave no accurate idea of the weight of the contents, which averaged 3 ounces or more.

On or about June 25, July 9, 16, 26, and 27, 1938, the United States attorney for the Southern District of Texas, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 6 lots, totaling 153 boxes of candy, at Houston, Tex.; alleging that the article had been shipped in interstate commerce on various dates within the period from on or about June 1, 1937, to on or about May 4, 1938, by Primrose Candy Co. from New Orleans, La.; and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Betty's Pure Candy Primrose Candy Co. New Orleans, La."

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

Misbranding was alleged in that the statements on the labels "½ Oz. or over" with respect to two lots and the statement "3½ Oz. or over" with respect to one lot were false and misleading and tended to deceive and mislead the purchaser, since in the former instance the statement gave no accurate idea of the amount of food in the package and in the latter instance the package contained less than 3½ ounces. Misbranding was alleged with respect to the said three lots and also with respect to a fourth lot in that the article 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 September 2, 6, and 9, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

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

**29423. Adulteration of crab meat. U. S. v. 1 Barrel and 40 Cans of Crab Meat. Default decrees of condemnation and destruction. (F. & D. Nos. 43513, 43795. Sample Nos. 34077-D, 34079-D.)**

This product contained evidence of the presence of filth.

On August 22 and 24, 1938, the United States attorneys for the Southern District of New York and the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 1 barrel of crab meat at New York, N. Y., and 40 pounds of crab meat at Reading, Pa., alleging that the article had been shipped in interstate commerce on or about August 18 and 22, 1938, by the Coston Co. from Hampton Va.; 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 animal substance.

On September 9 and 13, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

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