

It was alleged to be misbranded in that the name "Lemon Cocktail Mixer," which was prominently displayed, and the statement "Use as the Juice of Fresh Fruit," bore on the label, were false and misleading and tended to deceive and mislead the purchaser when applied to an imitation lemon juice containing little or no lemon or other fruit juice. It was alleged to be misbranded further in that it was an imitation of another article.

On October 13, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

29660. Misbranding of canned tomatoes. U. S. v. 253 Cases of Canned Tomatoes. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 43661. Sample No. 29117-D.)

This product was substandard because the fruit was not normally colored, and it was not labeled to indicate that it was substandard.

On September 2, 1938, the United States attorney for the Middle District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 253 cases of canned tomatoes at Albemarle, N. C.; alleging that the article had been shipped in interstate commerce on or about July 26, 1938, by Ruby Canning Co. from Ruby, S. C.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Lord Chesterfield Brand Tomatoes."

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 for such canned food, in that the fruit was not normally colored, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard.

On September 22, 1938, the Ruby Canning Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be relabeled under the supervision of this Department.

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

29661. Misbranding of canned peas. U. S. v. 404 Cases of Canned Peas. Default decree of condemnation and destruction. (F. & D. No. 41897. Sample No. 16837-D.)

This product was substandard because the peas were not immature, and it was not labeled to indicate that it was substandard.

On March 7, 1938, the United States attorney for the Northern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 404 cases of canned peas at Fairmont, W. Va.; alleging that the article had been shipped on or about February 2, 1938, by the Greenmount Canning Co. from Greenmount, Md.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "B-N-L Brand Run of Pod Early June Peas."

Misbranding was alleged in that the article fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, since the peas were not immature, and the package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it fell below such standard.

On May 19, 1938, the United States marshal having seized 53 cases of the product and no claimant having appeared, judgment of condemnation and destruction was entered. Other lots of the goods covered by the libel in the total amount of 210 5/10 cases were located subsequently and ordered seized May 27, 1938. On November 1, 1938, no claimant having appeared for these additional lots, judgment of condemnation was entered and they were ordered destroyed.

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

29662. Misbranding of canned mackerel. U. S. v. 98 Cases of Mackerel. Decree of condemnation. Product released under bond to be relabeled. (F. & D. Nos. 44099, 44100. Sample Nos. 2039-D, 20310-D.)

This product was short of the declared weight.

On October 11, 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 98 cases of canned mackerel at Philadelphia, Pa.; alleging that the article had been shipped in interstate commerce on or about September 18, 1938, by American Shippers