

butter, a product which should contain not less than 80 percent by weight of milk fat, as prescribed by act of March 4, 1923, which it purported to be.

On December 7, 1938, the defendants having entered pleas of guilty, the court imposed a fine of \$25 and costs.

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

29907. Adulteration and misbranding of mixers. U. S. v. 33 Gallon Jugs labeled in part, "Seal Brand Contains Lemon Flavor"; and 27 Gallon Jugs labeled in part, "The Perfect Mixer Blended with 100% Pure Lemon." Default decree of condemnation and destruction. (F. & D. Nos. 44107, 44108. Sample Nos. 26266-D, 26267-D.)

These products were labeled to indicate that they contained substantial amounts of lemon juice; whereas they consisted of artificially colored solutions of citric acid flavored with lemon oil and containing little, if any, lemon juice.

On October 11, 1938, the United States attorney for the Eastern 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 60 gallon jugs of lemon mixers at Long Island, N. Y.; alleging that the articles had been shipped in interstate commerce in various shipments on or about August 25 and 30, and September 6 and 8, 1938, by Pristine Products, Inc., from Carlstadt, N. J.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part: "Original Quality Cracker Co. * * * Long Island City, N. Y."

They were alleged to be adulterated in that an imitation lemon juice, consisting of an artificially colored solution of citric acid flavored with lemon oil and which contained little, if any, lemon juice, had been commingled with them so as to reduce or lower their quality and strength.

Misbranding was alleged in that the statement "100% Pure Lemon," on the label of one lot, was false and misleading and tended to deceive and mislead the purchaser.

On December 5, 1938, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

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

29908. Adulteration of grits and flour. U. S. v. 138 Sacks of Grits (and 1 similar seizure action). Default decrees of condemnation and destruction. (F. & D. Nos. 43633, 43634, 43698, 43699. Sample Nos. 37707-D, 37708-D, 36215-D, 38216-D.)

These products, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, were found to be insect-infested.

On September 2 and 8, 1938, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 138 sacks of grits at Baton Rouge, La., and 358 bags of flour at Thibodaux, La.; alleging that the articles had been shipped within the period from on or about July 2, 1938, to on or about August 9, 1938, by Houston Milling Co. from Houston, Tex.; and charging adulteration in violation of the Food and Drugs Act. The grits were labeled in part: "American Made Fancy Hominy Grits." The flour was labeled: "Red Bird Hard Wheat Flour" or "American Maid Monogram Flour."

The articles were alleged to be adulterated in that they consisted wholly or in part of filthy vegetable substances.

On November 8, 1938, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

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

29909. Misbranding of canned peas. U. S. v. 85 Cartons of Canned Peas. Default decree of condemnation. Product ordered delivered to a public charitable institution. (F. & D. No. 42165. Sample No. 12286-D.)

This product fell below the standard for canned peas established by this Department because the peas were not immature, and it was not labeled to indicate that it was substandard.

On April 12, 1938, the United States attorney for the Northern 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 85 cartons of canned peas at Schenectady, N. Y.; alleging that the article had been shipped in inter-

state commerce on or about March 7, 1938, by Wm. Silver & Co. from New Oxford, Pa.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Nu-Ox-Co Brand Ungraded Early June Peas, Packed by New Oxford Canning Co. New Oxford, Pa."

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 the peas were not immature, 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 November 18, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public charitable institution for use, but not for sale.

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

29910. Adulteration of scallops. U. S. v. 3 Barrels of Scallops. Default decree of condemnation and destruction. (F. & D. No. 44555. Sample No. 44667-D.)

Examination of this product disclosed the presence of added water.

On November 15, 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 three barrels of scallops at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about November 9, 1938, by the M. B. Davis Scallop Co. from Panama City, Fla.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that water had been mixed and packed with and substituted in part for scallops.

On December 9, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

29911. Adulteration of tomato catsup. U. S. v. 174 Cases of Catsup. Default decree of condemnation and destruction. (F. & D. No. 44225. Sample No. 42927-D.)

This product contained excessive mold.

On October 25, 1938, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 174 cases of catsup at Pittsburgh, Pa.; alleging that the article had been shipped in interstate commerce on or about April 2, 1938, by the Farm King Packing Co., Inc., from Fredonia, N. Y.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Farm King Tomato Catsup."

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

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

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

29912. Misbranding of canned peas. U. S. v. 49 Cases of Canned Peas. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. & D. No. 42441. Sample No. 12627-D.)

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

On May 23, 1938, the United States attorney for the Northern 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 49 cases of canned peas at Albany, N. Y.; alleging that the article had been shipped in interstate commerce on or about February 21, 1938, by A. W. Sisk & Son from Lineboro, Md.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Sky Chief Brand Early June Peas * * * Packed by Lineboro Canning Company, Inc., Lineboro, Md."

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 the peas were not immature, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard.