

Morristown, Tenn.; and charging that it was misbranded. The article was labeled in part: "White's Best Brand Tomatoes * * * T. B. White Canning Company, Whitesburg, Tenn."

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

On February 15, 1940, the T. B. White Canning Co., Whitesburg, Tenn., having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered and it was ordered that the product be released under bond for relabeling.

GROVER B. HILL, *Acting Secretary of Agriculture.*

31068. Misbranding of canned peas. U. S. v. 447 Cases of Canned Peas. Consent decree of condemnation and forfeiture. Product released under bond for relabeling. (F. & D. No. 45601. Sample No. 98683-D.)

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

On March 11, 1940, 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 against 447 cases, each containing 24 cans, of peas at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about October 17, 1939, by Albert W. Sisk & Son from Preston, Md.; and charging that it was misbranded. The article was labeled in part: "Fame and Glory Brand Run of Pod Early June Peas * * * Packed by John W. Humbert, Union Mills, 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 for such canned food, in that the peas were not immature, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On April 5, 1940, John W. Humbert, Union Mills, Md., having entered a claim for the product and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered and it was ordered that the product be released under bond for relabeling in compliance with the law.

GROVER B. HILL, *Acting Secretary of Agriculture.*

31069. Adulteration of maple sirup and maple sugar. U. S. v. 37 Drums of Maple Sirup and 218 Bags of Maple Sugar (and 2 other seizure actions against maple sirup). Products ordered released under bond to be deleaded. (F. & D. Nos. 45607 to 45612, incl. Sample Nos. 68994-D to 68999-D, incl.)

These products contained lead.

On June 27, 1939, the United States attorney for the District of Vermont, acting upon reports by the Secretary of Agriculture, filed libels against 282 drums of maple sirup and 218 bags of maple sugar at Burlington, Vt.; alleging that the articles had been shipped in interstate commerce by United Maple Products, Ltd., from Morrissette, Quebec, Canada, on or about June 8, 1939; and charging that they were adulterated in violation of the Food and Drug Act.

The articles were alleged to be adulterated in that they contained an added poisonous or deleterious ingredient, lead, which might have rendered them injurious to health.

On July 7, 1939, United Maple Products, Ltd., having appeared as claimant and having admitted the allegations of the libels, judgments were entered ordering that the products be released to the claimant, upon the execution of a bond conditioned that they be deleaded under the supervision of this Department.

GROVER B. HILL, *Acting Secretary of Agriculture.*

31070. Adulteration of whisky. U. S. v. 2 Quarts, 58 Pints, and 211 Half Pints of Whisky. Consent decree of condemnation and destruction. (F. & D. No. 45603. Sample No. 72457-D.)

Analysis showed that this product contained excessive quantities of aldehydes.

On January 29, 1940, the United States attorney for the District of Nebraska filed a libel against 2 quarts, 58 pints, and 211 half pints of whisky at Omaha, Nebr.; alleging that the article had been shipped in interstate commerce on or about September 2, 1938, by Wathen Bros. from Bardstown, Ky.; and charging

that it was adulterated in violation of the Food and Drugs Act. It was labeled in part: "Bourbon Valley Kentucky Straight Whiskey."

Adulteration was alleged in that a substance containing excessive quantities of aldehydes had been substituted wholly or in part for whisky; and had been mixed or packed therewith so as to reduce, lower, and injuriously affect its quality or strength.

On February 23, 1940, all parties having any claim or interest in the property having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

GROVER B. HILL, *Acting Secretary of Agriculture.*

31071. Adulteration of canned mackerel. U. S. v. 520 Cases of Canned Mackerel. Decree entered ordering the decomposed portion destroyed and the remainder released. (F. & D. No. 44114. Sample No. 37649-D.)

This product was in part decomposed.

On October 13, 1938, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 520 cases of canned mackerel at Evansville, Ind.; alleging that the article had been shipped in interstate commerce on or about September 10, 1938, by Parrott & Co. from Los Angeles, Calif.; and charging that it was adulterated in violation of the Food and Drugs Act. It was labeled in part: "Dixiland Brand * * * San Carlos Canning Co. Monterey and Long Beach Calif."

Adulteration was alleged in that the article consisted wholly or in part of a decomposed animal substance.

On February 23, 1940, the San Carlos Canning Co. having filed a claim and answer and having executed a bond conditioned that the product should not be disposed of in violation of the law, the court ordered that a portion of the product identified by certain codes and totaling 85 cases, be destroyed and that the remainder of the seized goods be released.

GROVER B. HILL, *Acting Secretary of Agriculture.*

31072. Adulteration of dressed poultry. U. S. v. Paul Garnett Gray, Sr. (P. G. Gray). Plea of guilty. Fine, \$25 and costs. (F. & D. No. 42711. Sample No. 26261-D.)

This case involved poultry which was found to be in whole or in part decomposed, diseased, and emaciated.

On November 14, 1939, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Paul Garnett Gray, Sr., trading as P. G. Gray, at Estherville, Iowa, alleging shipment by said defendant in violation of the Food and Drugs Act on or about September 10, 1938, from the State of Iowa into the State of New York, of a quantity of poultry that was adulterated.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance. It was alleged to be adulterated further in that it consisted in part of the product of diseased animals, namely, poultry affected by disease at the time of slaughter.

On November 14, 1939, the defendant entered a plea of guilty and the court imposed a fine of \$25 and costs.

GROVER B. HILL, *Acting Secretary of Agriculture.*

31073. Adulteration of cream. U. S. v. Vane S. Day (Barry County Produce). Plea of nolo contendere. Fine, \$25 and costs. (F. & D. No. 42738. Sample Nos. 15541-D, 15545-D.)

This case involved cream which contained added mineral oil.

On August 3, 1939, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Vane S. Day, trading as the Barry County Produce at Cassville, Mo., alleging shipment by said defendant on or about July 18 and 29, 1938, from the State of Missouri into the State of Oklahoma, of quantities of cream which was adulterated.

The article was alleged to be adulterated in that a substance, namely, mineral oil, had been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength; and in that mineral oil had been substituted in part for cream, which it purported to be.

On February 26, 1940, the defendant entered a plea of nolo contendere, and the court imposed a fine of \$25 with costs of the proceedings.

GROVER B. HILL, *Acting Secretary of Agriculture.*