

13234. Misbranding and alleged adulteration of canned peas. U. S. v. 140 Cases of Peas. Product relabeled and released to claimant. (F. & D. No. 17986. I. S. No. 875-v. S. No. E-4569.)

On November 13, 1923, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 140 cases, each containing 2 dozen cans, of peas, remaining in the original unbroken packages at Savannah, Ga., alleging that the article had been shipped by the California Packing Corp., from San Francisco, Calif., on or about September 25, 1923, and transported from the State of California into the State of Georgia, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Jubilee Brand Peas * * * California Packing Corporation, Main Office San Francisco, California, U. S. A.," together with a cut showing peas in pods, pea blossoms, and vines.

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, pea berry shells, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and had been substituted in part for peas, which the said article purported to be.

Misbranding was alleged for the reason that the statement, design, or device, borne on the cans containing the article, to wit, "Peas" and the design showing peas in pods, pea blossoms and vines were false and misleading and deceived and misled the purchaser, in that they represented that the article was whole peas, whereas it was not whole peas but was an article containing pea berry shells and split and broken peas. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, to wit, peas.

On January 14, 1924, E. T. Sheftall & Co., Savannah, Ga., having appeared as claimant for the property praying the opening of the decree of condemnation theretofore entered, judgment of the court was entered, finding the product misbranded and ordering that the said decree of condemnation be vacated and that the product be delivered to the claimant upon its being properly relabeled.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13235. Adulteration of walnut meats. U. S. v. Sam Holzman and Peter R. Smith. Pleas of guilty. Fines, \$50 and costs. (F. & D. No. 17135. I. S. No. 11248-t.)

On April 3, 1923, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Sam Holzman and Peter R. Smith, copartners, Los Angeles, Calif., alleging shipment by said defendants, in violation of the food and drugs act, on or about February 2, 1922, from the State of California into the State of Washington, of a quantity of walnut meats which were adulterated. The article was labeled in part: "From S. Holzman L. A. Cal. 50 Lbs. Net Ungrated," and was invoiced as walnut meats.

Examination of a sample of the article by the Bureau of Chemistry of this department showed that approximately 18.6 per cent of the product was inedible, consisting of wormy, moldy, shriveled, and rancid nuts, and nut shells.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a decomposed vegetable substance.

On March 9, 1925, the defendants entered pleas of guilty to the information, and the court imposed fines in the aggregate sum of \$50, together with the costs.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13236. Adulteration and misbranding of jellies. U. S. v. 65 Cases of Apple Jelly, et al. Products released under bond to be relabeled. (F. & D. No. 18494. I. S. Nos. 16534-v, 16535-v, 16536-v, 16537-v. S. No. E-4779.)

On March 18, 1924, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 65 cases of apple jelly, 200 cases of apple lemon jelly, 100 cases of apple orange jelly, and 125 cases of grape and apple jelly, remaining in the original unbroken packages at Savannah, Ga., alleging that the

articles had been shipped by the American Preserve Co., from Philadelphia, Pa., on or about November 24, 1923, and transported from the State of Pennsylvania into the State of Georgia, and charging adulteration and misbranding in violation of the food and drugs act. The articles were labeled in part: (Glass) "Schimmel Brand Pure Jelly Apple" (or "Apple-Lemon Slice" or "Apple-Orange Slice" or "Grape And Apple") "With Fruit Pectin 8 Oz. Net The American Preserve Co. Philadelphia, Pa."

Adulteration of the articles was alleged in the libel for the reason that a substance, to wit, pectin, had been mixed and packed therewith so as to reduce and lower and injuriously affect their quality and strength and in that substances, to wit, pectin jellies, had been substituted wholly and in part for the said articles.

Misbranding was alleged for the reason that the statements "Pure Jelly Apple," "Pure Jelly Apple-Lemon Slice," "Pure Jelly Apple-Orange Slice," and "Pure Jelly Grape And Apple," borne on the labels of the respective products, were false and misleading and deceived and misled the purchaser, and for the further reason that the articles were offered for sale under the distinctive names of other articles.

On June 30, 1924, the American Preserve Co., Philadelphia, Pa., claimant, having given bond for the release of the products, and having relabeled the goods in compliance with law, it was ordered by the court that the case be dismissed and that the claimant pay the costs of the proceedings.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13237. Misbranding and alleged adulteration of wahoo bark. U. S. v. 2 Bags of Wahoo Bark. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19194. I. S. No. 19842-v. S. No. C-4542.)

On November 22, 1924, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 2 bags of wahoo bark, at Cincinnati, Ohio, consigned by E. G. and J. F. Crech, from Primrose, Ky., June 14, 1924, alleging that the article had been shipped from Primrose, Ky., and transported from the State of Kentucky into the State of Ohio, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it was sold as wahoo bark, a name recognized in the National Formulary, and differed from the standard of strength, quality, and purity of the official drug, and for the further reason that its purity fell below the standard or quality under which it was sold.

Misbranding was alleged for the reason that the article was offered for sale under the name of another article, namely, wahoo bark.

On February 18, 1925, no claimant having appeared for the property, judgment of the court was entered, finding the product misbranded and ordering its condemnation, forfeiture, and destruction.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13238. Misbranding of cottonseed meal. U. S. v. 400 Sacks of Cottonseed Meal. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18214. I. S. No. 15842-v. S. No. E-4669.)

On December 24, 1923, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 400 sacks of cottonseed meal, at Lawn, Pa., alleging that the article had been shipped by the Eastern Cotton Oil Co., from Edenton, N. C., on or about November 7, 1923, and transported from the State of North Carolina into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Perfection Cotton Seed Meal 100 Lbs. Net Manufactured by Eastern Cotton Oil Company Elizabeth City, N. C. Guaranteed Protein not less than 41.00% Equivalent to Ammonia 8.00%."

Misbranding of the article was alleged in the libel for the reason that the statements "Guaranteed Protein not less than 41.00% Equivalent to Ammonia 8.00%" were false and misleading and deceived and misled the purchaser.

On January 15, 1924, the Eastern Cotton Oil Co., Elizabeth City, N. C., having appeared as claimant for the property, judgment of condemnation and for-