normally colored, and its 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 January 22, 1940, Marion J. Ferguson, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled under the supervison of this Department.

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

31054. Misbranding of canned tomatoes. U. S. v. 21 Cases and 21 Cases of Tomatoes. Default decree of condemnation. Product ordered delivered to a charitable or public welfare organization. (F. & D. No. 45588. Sample Nos. 75573–D, 75574–D.)

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

On January 11, 1940, the United States attorney for the Eastern District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 42 cases of canned tomatoes at Twila, Ky.; alleging that the article had been shipped in interstate commerce on or about October 15, 1939, by Vannoy & Bailey from Tazewell, Tenn.; and charging that it was misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Powell's Mountain Brand Hand Packed * * * Tomatoes."

The article 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 regulation of this Department indicating that it fell below such standard.

On February 21, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable or public welfare organization.

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

31055. Misbranding of canned peas. U. S. v. 35 Cases of Canned Peas. Default decree of condemnation. Product delivered to charitable institutions. (F. & D. No. 45595. Sample No. 86267–D.)

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

On February 15, 1940, the United States attorney for the Southern District of New York, alleging upon a report by the Secretary of Agriculture, filed a libel against 35 cases of canned peas at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about December 26, 1939, by the Lineboro Canning Co., Inc., from Lineboro, Md.; and charging that it was misbranded in violation of the Food and Drugs Act. It was labeled in part: "George's Brand Peas Early June."

Misbranding was alleged in that the article 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 regulation of this Department indicating that it fell below such standard.

On March 13, 1940, no claimant having appeared, judgment of condemnation was entered, and it was ordered that the labels be removed and that the product be delivered to charitable institutions.

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

31056. Misbranding of canned peas. U. S. v. 575 Cases of Canned Peas. Decree of condemnation. Product released under bond for relabeling. (F. & D. No. 45559. Sample No. 73641–D.)

These canned peas were substandard because they were not immature, and they were not labeled to indicate that they were substandard.

On August 31, 1939, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 575 cases of canned peas at Providence, R. I.; alleging that the article had been shipped on or about July 21, 26, and 28, 1939, from Bel Air, Md., by W. E. Robinson & Co., Inc.; and charging misbranding in violation of the Food and Drugs Act. The article was unlabeled at the time of shipment and was labeled at destination in part: "Early June Peas."