30922. Misbranding of canned peas. U. S. v. 98 Cases of Canned Peas. Consent decree of condemnation and forfeiture. Product released under bond conditioned that the peas be relabeled. (F. & D. No. 45561. Sample No. 61081-D.)

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

On September 11, 1939, the United States attorney for the Eastern District of Louisiana, 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 peas at New Orleans, La.; alleging that the article had been shipped in interstate commerce from Baltimore, Md., on or about June 12, 20, and 26, 1939, by Lord-Mott Co.; and charging misbranding in violation of the Food and Drugs Act. It was labeled in part: "Cottage Brand Early June Peas."

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 the peas were not immature and the label did not bear a plain and conspicuous statement prescribed by regulations of this Department indicating that it fell below such standard.

On October 20, 1939, Lord-Mott Co., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered and the product was ordered released under bond for relabeling.

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

30923. Adulteration of red perch fillets. U. S. v. 258 Boxes of Red Perch Fillets. Default decree of condemnation and destruction. (F. & D. No. 45484. Sample No. 65258-D.)

This product was infested with parasitic worms.

On June 13, 1939, 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 258 boxes of red perch fillets at Indianapolis, Ind.; alleging that the article had been shipped in interstate commerce on or about May 26, 1939, by R. O'Brien & Co. from Boston, Mass.; and charging adulteration in violation of the Food and Drugs Act.

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

On July 26, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

30924. Adulteration of candy. U. S. v. Metro Chocolate Co., Inc. Plea of guilty. Fine, $400. (F. & D. No. 42714. Sample Nos. 14623-D, 30196-D.)

Samples of this product were found to contain insect and worm excreta and other filth.

On June 23, 1939, 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 an information against the Metro Chocolate Co., Inc., Brooklyn, N. Y., alleging shipment by said company on or about June 16 and November 4, 1938, from the State of New York into the States of Massachusetts and New Jersey of quantities of candies which were adulterated. The articles were labeled in part: "Metro Milky Caramels" or "Metro Cocoanut Fancies."

Adulteration was alleged in that the article consisted in whole or in part of a filthy vegetable substance.

On July 21, 1939, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $400.

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

30925. Adulteration of butter. U. S. v. Cecil E. Romine, Joe B. Romine, George W. Romine, and Kelsie R. Romine (Romine's Creamery Co.). Pleas of guilty. Fine, $25. (F. & D. No. 42724. Sample No. 54116-D.)

This product contained less than 80 percent by weight of milk fat.

On July 6, 1939, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the above-named defendants, alleging shipment by them on or about January 5, 1939, from the State of Kansas into the State of Illinois of a quantity of butter which was adulterated.

Adulteration was alleged in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which