29868. Misbranding of canned peas. U. S. v. 394 Cases of Canned Peas. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 43682. Sample No. 25723–D.)

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

On September 6, 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 394 cases of canned peas at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about July 25, 1938, by Frederica Packing Co. from Frederica, Del.; and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Frederica Brand Early June Peas."

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 15, 1938, the Frederica Packing Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of this Department.

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

29869. Adulteration of peanuts. U. S. v. 11 Boxes of Peanuts. Default decree of condemnation and destruction. (F. & D. No. 43673. Sample No. 22344–D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infected.

On September 3, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 11 boxes of peanuts at Chicago, Ill.; alleging that the article had been shipped on or about August 12, 1938, by M. G. Collman from Watertown, Wis.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On November 15, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

29870. Misbranding of grape juice. U. S. v. 73 Cases of Grape Juice. Default decree of condemnation and destruction. (F. & D. No. 43458. Sample No. 22336–D.)

This case involved an interstate shipment of grape juice that was short of the declared volume.

On August 29, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 73 cases of grape juice at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about July 18, 1938, by House of David Cold Storage Plant from St. Joseph, Mich.; and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "House of David Pure Concord Grape Juice."

It was alleged to be misbranded in that the statement on the label, "Contents 12 Fl. Oz.," was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short in volume. The article was alleged to be misbranded further in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the quantity stated was not correct.

On October 14, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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