

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

On December 22, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

29947. Misbranding of canned mackerel. U. S. v. 124 Cases of Canned Mackerel. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 44202. Sample No. 20325-D.)

This product was short of the declared weight.

On October 19, 1938, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 124 cases of canned mackerel at Wilmington, N. C.; alleging that the article had been shipped in interstate commerce on or about September 28, 1938, by Coast Fishing Co. from Wilmington, Calif.; and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "King Solomon Brand Fancy Mackerel. Contents 1 Lb."

It was alleged to be misbranded in that the statement "Contents 1 Lb." was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short weight; and 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.

On December 3, 1938, Coast Fishing Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled to show, "Net Weight 15 Ozs."

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

29948. Adulteration of canned Crowder peas. U. S. v. 74 Cases of Peas. Default decree of condemnation and destruction. (F. & D. No. 43992. Sample No. 38377-D.)

This product was in whole or in part decomposed.

On September 21, 1938, 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 74 cases of canned peas at New Orleans, La.; alleging that the article had been shipped in interstate commerce on or about July 7, 1938, by Dorgan-McPhillips Packing Corporation from Laurel, Miss.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Gulf Kist Brand Fresh Crowder Peas. * * * Distributed by Dorgan-McPhillips Packing Corp * * * Mobile, Alabama."

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

On November 24, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

29949. Misbranding of canned cherries. U. S. v. 119 Cases of Cherries. Product ordered released under bond to be relabeled. (F. & D. No. 44456. Sample No. 31741-D.)

This product was substandard because of shortage in drained weight, and it was not labeled to indicate that it was substandard.

On December 2, 1938, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 119 cases of canned cherries at Erie, Pa.; alleging that the article had been shipped in interstate commerce on or about September 19, 1938, by Brocton Preserving Co., Inc., from Brocton, N. Y.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Blue & White Brand Water Packed Red Sour Pitted Cherries * * * Red & White Corp'n. Distributors Chicago, Ill."

It was alleged to be misbranded in that it was canned food and fell below the standard of fill of container promulgated by the Secretary of Agriculture, since there was a shortage in drained weight, 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 December 27, 1938, the Brockton Preserving Co., claimant, having admitted the allegations of the libel, the court ordered the product released under bond to be relabeled in conformity with the Food and Drugs Act.

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

29950. Adulteration and misbranding of cocoa. U. S. v. 59 Cartons and 35 Cartons of Cocoa. Consent decree of condemnation. Product released under bond to be repacked and relabeled. (F. & D. Nos. 43079, 43080. Sample No. 25595-D.)

Analysis of this product showed that it contained 12 percent of added gum, and the label failed to bear a statement of the quantity of contents.

On July 19, 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 94 cartons, each containing a number of bags of cocoa, at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about May 10, 1938, by Green Spot, Inc., from Los Angeles, Calif.; and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Green Spot Old English Cocoa with stabilizer added."

It was alleged to be adulterated in that added gum had been mixed and packed with it so as to reduce, lower, or injuriously affect its quality or strength; in that a mixture of cocoa and gum had been substituted in whole or in part for the article; and in that it had been mixed in a manner whereby inferiority was concealed.

It was alleged to be misbranded in that the name "Old English Cocoa," appearing prominently on the label, was false and misleading and tended to deceive and mislead the purchaser when applied to a mixture consisting of approximately 88 percent of cocoa and 12 percent of added gum, and was not corrected by the less conspicuous statement "with stabilizer added," since stabilizers when added are ordinarily present in minute percentages; it 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.

On December 19, 1938, Green Spot, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be repacked in correctly labeled containers.

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

29951. Adulteration of flour. U. S. v. 9 Bags and 29 Bags of Flour. Default decrees of condemnation and destruction. (F. & D. Nos. 43480, 43481. Sample Nos. 38015-D, 38016-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-infested.

On August 31, 1938, 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 38 bags of flour at New Orleans, La.; alleging that the article had been shipped on or about March 14 and April 5, 1938, by the P. H. Postel Milling Co. from Mascoutah, Ill.; and charging adulteration in violation of the Food and Drugs Act. A portion of the product was labeled, "Jack's Special Plain Flour"; and the remainder was labeled, "Jack's Special Self Rising Flour."

Adulteration was alleged in that the articles consisted wholly or in part of a filthy vegetable substance.

On November 9, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

29952. Adulteration of flour. U. S. v. 10 Bags of Flour. Default decree of condemnation and destruction. (F. & D. No. 44065. Sample No. 26147-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-infested.

On October 5, 1938, 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 a libel praying seizure and condemnation of 10 bags of flour at