United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

30051–30200

[Approved by the Acting Secretary of Agriculture, Washington, D. C., April 10, 1939]

30051. Misbranding of canned peas. U. S. v. 848 Cases of Canned Peas. Product ordered released under bond to be relabeled. (F. & D. No. 44439. Sample No. 31827–D.)

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

On November 30, 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 848 cases of canned peas at Washington, Pa.; alleging that the article had been shipped in interstate commerce on or about August 9, 1938, by the Phillips Sales Co. from Newark, Del.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Phillips Delicious Early June Peas Packed by Phillips Packing Co., Inc., Cambridge, Md."

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 January 10, 1939, the Phillips Sales Co., claimant, having admitted the allegations of the libel, judgment was entered ordering that the product be released under bond conditioned that it be correctly relabeled.

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

30052. Adulteration of apple butter. U. S. v. Hecker Products Corporation. Plea of guilty. Total fine, $200. (F. & D. No. 42527. Sample Nos. 45035–C, 45059–C, 45060–C, 45061–C, 45603–C.)

Samples of this product were found to contain insects and insect fragments.

On December 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 an information against the Hecker Products Corporation, New York, N. Y., alleging shipment by said defendant in violation of the Food and Drugs Act in part on or about May 7, 1937, and in part on or about July 30, 1937, from the State of New York into the State of California, of quantities of apple butter that was adulterated. It was labeled in part: "H & H [or "Acme"] Brand Pure Apple Butter."

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

On January 3, 1939, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $200.

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

30053. Adulteration and misbranding of butter. U. S. v. 8 Boxes and 12 Boxes of Butter. Decrees of condemnation. Product released under bond. (F. & D. Nos. 44611, 44685. Sample Nos. 42142–D, 42153–D.)

This product contained less than 80 percent of milk fat.

On December 22, 1938, and January 7, 1939, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation