

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 December 13, 1938, Phillips Sales Co., having appeared as claimant and having filed an answer admitting that a part of the product was substandard, judgment of condemnation was entered and the product was ordered released under bond conditioned that the substandard portion be relabeled.

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

**30118. Adulteration of oysters. U. S. v. 117 Quarts of Oysters. Default decree of condemnation and destruction. (F. & D. No. 44401. Sample No. 30386-D.)**

This product contained added water.

On November 22, 1938, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 117 quarts of oysters at York, Pa.; alleging that the article had been shipped in interstate commerce on or about November 21, 1938, by M. V. Smith & Son, Inc., from Baltimore, Md.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that water had been mixed and packed with it so as to reduce or lower its quality or strength.

On January 16, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

**30119. Misbranding of canned tomatoes. U. S. v. 788 Cases of Canned Tomatoes. Default decree of condemnation. Product sold to a charitable institution for a nominal sum. (F. & D. No. 44358. Sample No. 5466-D.)**

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

On November 15, 1938, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 788 cases of canned tomatoes at Dallas, Tex.; alleging that the article had been shipped in interstate commerce on or about September 8, 1938, by Gassville Canning Co. from Pindall, Ark.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Red Chief Brand Hand Packed Tomatoes \* \* \* Packed by Jones Canning Company, Green Forest, Ark."

The libel alleged that the article was not normally colored and was misbranded in that it was below the standard of quality and condition promulgated by the Secretary of Agriculture, 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 9, 1939, no claimant having appeared, judgment of condemnation and destruction was entered. On January 11, 1939, an amended decree was entered ordering that the product be sold to a charitable institution for a nominal sum, conditioned that it be used solely for charitable purposes.

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

**30120. Adulteration of ocean perch fillets. U. S. v. 174 Boxes of Ocean Perch Fillets. Default decree of condemnation and destruction. (F. & D. No. 44113. Sample No. 21293-D.)**

This product was infested with parasitic worms.

On October 13, 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 174 boxes of ocean perch fillets at Elgin, Ill.; alleging that the article had been shipped in interstate commerce on or about August 10, 1938, by Forty Fathom Fisheries, Inc., from Boston, Mass.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Ocean Deep Frozen Fillets."

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