

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.

On November 29, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

**30121. Adulteration of butter. U. S. v. 245 Cubes of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. & D. No. 43829. Sample Nos. 36340-D, 36341-D.)**

This product contained less than 80 percent of milk fat.

On August 20, 1938, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 245 cubes of butter at Springfield, Mass., consigned on or about August 3, 1938; alleging that the article had been shipped in interstate commerce by Mandan Creamery & Produce Co. from Mandan, N. Dak.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat, as provided by act of March 4, 1923.

On September 30, 1938, Mandan Creamery & Produce Co., 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 reworked so that it contain not less than 80 percent of milk fat.

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

**30122. Adulteration of shrimp. U. S. v. 12 Boxes and 825 Pounds of Shrimp. Default decree of condemnation and destruction. (F. & D. No. 44645. Sample No. 20145-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 in whole or in part decomposed.

On December 17, 1938, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 boxes of shrimp at Wilmington, Calif., and 825 pounds of shrimp at San Pedro, Calif.; alleging that the article had been shipped on or about December 13, 1938, by Frank Landell from Nogales, Ariz.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Product of Mexico."

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

On January 13, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

**30123. Adulteration of shrimp. U. S. v. 15 Boxes of Shrimp. Default decree of condemnation and destruction. (F. & D. No. 44604. Sample No. 20365-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 in whole or in part decomposed.

On December 14, 1938, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 boxes of shrimp at Wilmington, Calif.; alleging that the article had been shipped from Nogales, Sonora, Mexico, on or about December 13, 1938, by V. B. Estrella; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that the article consisted in whole or in part of a decomposed animal substance.

On January 14, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

**30124. Misbranding of canned peas. U. S. v. 126 Cases of Peas. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. & D. No. 42043. Sample No. 12676-D.)**

This product fell below the standard for canned peas established by this Department because the peas were not immature, and it was not labeled to indicate that it was substandard.