

the articles had been shipped in interstate commerce on various dates between November 14, 1936, and December 7, 1937, from Donna and Brownsville, Tex., by the Taormina Corporation, and charging adulteration in violation of the Food and Drugs Act. Portions were labeled: "Deer Brand Mustard [or "Turnip"] Greens \* \* \* Packed for Uddo Taormina Corporation." The remainder was labeled: "Dubon Brand Mustard Greens \* \* \* Distributed by Dubon Company, Inc. Wilmington, Del. [or "New Orleans, La.]."

The articles were alleged to be adulterated in that they consisted in whole or in part of filthy vegetable substances.

On April 20 and 22, 1938, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**28922. Adulteration of canned peas with snaps. U. S. v. 134 Cases of Canned Peas with Snaps (and 3 similar seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 41456, 41644, 41682, 41684. Sample Nos. 754-D, 761-D, 800-D, 10243-D.)**

Samples of this product were found to be infested with weevils and other insects.

On or about January 22 and February 8, 12, and 15, 1938, the United States attorney for the Southern District of Florida and the Eastern and Western Districts of North Carolina, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 585 cases of canned peas with snaps in various lots at Jacksonville, Fla., and Charlotte and Fayetteville, N. C., alleging that the article had been shipped in interstate commerce on various dates between October 20 and December 1, 1937, from Charleston, S. C., by Shelmore Oyster Products Co., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Crystal Bay Brand Fresh Field Peas with Snaps \* \* \* Shelmore Oyster Products Co. Charleston, S. C."

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

On April 12, 18, and 25, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**28923. Misbranding of canned cherries. U. S. v. 173 Cartons of Canned Cherries. Decree of condemnation. Product ordered released under bond for relabeling. (F. & D. No. 41485. Sample No. 29700-C.)**

This product was substandard because it contained excessive pits and was not of standard fill, and it was not labeled to indicate that it was substandard.

On January 20, 1938, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 173 cartons of red sour pitted cherries at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about January 4, 1938, by Valley Fruit Canning Co. from Seattle, Wash., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Casco Brand \* \* \* Red Sour Pitted Water Pack Cherries \* \* \* California Supply Company Distributors San Francisco, California."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality, condition, and fill of container promulgated by the Secretary of Agriculture, since there was present more than 1 cherry pit per 20 ounces of net contents and the cans were not of standard fill; and the package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On February 19, 1938, A. M. Beebe Co. having appeared as claimant, judgment of condemnation was entered, and the product was ordered released to claimant under bond conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

**28924. Misbranding of canned cherries. U. S. v. 139 Cases and 31 Cases of Canned Cherries. Consent decrees of condemnation. Product released under bond for relabeling. (F. & D. Nos. 41279, 41759. Sample Nos. 30189-C, 11529-D.)**

This product fell below the standard for fill of container established by this Department, but was not labeled to indicate that it was substandard.

On December 30, 1937, and February 28, 1938, the United States attorneys for the District of Nebraska and the District of Wyoming, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 139 cases of canned cherries at Scottsbluff, Nebr., and 31 cases of the product at Casper, Wyo., alleging that the article had been shipped in interstate commerce on or about August 30, 1937, from Roy, Utah, by Varney Canning Co., Inc., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Valley Home Brand Red Sour Pitted Cherries Packed in Water. Packed for Nash Finch Co. Minneapolis, Minn."

It was alleged to be misbranded in that it was canned food and fell below the standard for fill of container promulgated by the Secretary of Agriculture for such canned food, and its label did not bear a plain and conspicuous statement indicating that such canned food fell below such standard.

On April 15 and 22, 1938, the Varney Canning Co. having appeared as claimant and having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond conditioned that it be relabeled.

M. L. WILSON, *Acting Secretary of Agriculture.*

**28925. Adulteration of canned salmon. U. S. v. Hydaburg Fisheries, Inc. Plea of guilty. Fine, \$200 and costs. (F. & D. No. 39464. Sample Nos. 23629-C, 23677-C, 23688-C, 23712-C, 29282-C.)**

This product was in whole or in part decomposed.

On June 14, 1937, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Hydaburg Fisheries, Inc., Seattle, Wash., alleging shipment by said defendant in violation of the Food and Drugs Act on or about September 6 and August 26, 1936, from the Territory of Alaska into the State of Washington of quantities of canned salmon which was adulterated.

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

On April 4, 1938, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$200 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

**28926. Adulteration and misbranding of potatoes. U. S. v. 400 Sacks of Potatoes. Consent decree of condemnation. Product released under bond for destruction of adulterated portion and relabeling of remainder. (F. & D. No. 41942. Sample No. 16810-D.)**

One of these two lots of potatoes was seriously damaged by net necrosis, and both lots fell below their labeled grades because of excessive defects.

On or about March 11, 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 400 sacks of potatoes at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about March 4, 1938, from Dover-Foxcroft, Maine, by M. A. Sanborn Co., and charging that a portion of them were adulterated and that all of them were misbranded in violation of the Food and Drugs Act.

The said portion was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

Misbranding was alleged in that the statements, "U. S. No. 1 Size B" and "U. S. Commercial," borne on the tags, were false and misleading and tended to deceive and mislead the purchaser when applied to potatoes below U. S. grade No. 1 and U. S. Commercial, respectively.

On March 17, 1938, Melvin A. Sanborn of Dover-Foxcroft, Maine, 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 conditioned that the potatoes tagged "U. S. No. 1 Size B" be relabeled, and that the potatoes tagged "U. S. Commercial" be destroyed or sold as animal food.

M. L. WILSON, *Acting Secretary of Agriculture.*