On January 19, January 22, and March 3, 1937, the United States attorneys for the District of New Jersey and the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 793 cases of canned peas at New York, N. Y., and 640 cases of canned peas at Newark, N. J., alleging that they had been shipped in interstate commerce on or about December 4, 1936, January 6, and January 25, 1937, by the Frederick City Packing Co., in part from Thurmont, Md., and in part from Frederick, Md., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Taylor Brand * * * Early June Peas Packed for The Frederick City Packing Company Frederick, 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 of Agriculture indicating that it fell below such standard.

On March 18 and March 23, 1937, Thomas Roberts & Co., Philadelphia, Pa., having filed a claim on their own behalf for the goods seized at Newark, N. J., and having filed a claim as agent for the Frederick City Packing Co. for the goods seized at New York, N. Y., and having admitted the allegations in the libels and consented to the entry of decrees, judgments of condemnation were entered and it was ordered that the product be released under bond conditioned that it be relabeled.

W. R. GREGG, *Acting Secretary of Agriculture.*

27092. Adulteration of canned beets. U. S. v. 81 Cases of Canned Beets. Default decree of condemnation and destruction. (F. & D. no. 38997. Sample no. 19732–C.)

This case involved a shipment of canned beets that were intensely blackened and were decomposed.

On January 26, 1937, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 81 cases of canned beets at Minneapolis, Minn., alleging that they had been shipped in interstate commerce on or about October 19, 1936, by the Green Bay Canning Corporation from Green Bay, Wis., and charging adulteration in violation of the Food and Drugs Act.

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

On March 22, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

27093. Misbranding of canned tomatoes. U. S. v. 24 Cases of Canned Tomatoes. Default decree of condemnation and destruction. (F. & D. no. 38998. Sample no. 32602–C.)

This case involved canned tomatoes that fell below the standard established by this Department because they did not consist of whole or large pieces and which were not labeled to indicate that they were substandard.

On January 25, 1937, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 24 cases of canned tomatoes at LaGrande, Oreg., alleging that they had been shipped in interstate commerce on or about January 9, 1937, by the Interior Grocery Co., from Walla Walla, Wash., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Blue and White Brand Tomatoes With Puree from Trimmings Red and White Corp'n Distributors Chicago, Ill."

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 it did not consist of whole or large pieces and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it fell below such standard.

On March 19, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*