27097. Adulteration of canned beets. U. S. v. 23 Cases of Canned Beets (and three other seizure actions). Default decrees of condemnation and destruction. (F. & D. nos. 39012, 39208, 39209, 39585. Sample nos. 19833–C, 19834–C, 30170–C, 33621–C.)

This product was in whole or in part decomposed.

On February 4, 1937, 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 23 cases of canned beets at Chicago, Ill. On March 12 and May 12, 1937, libels were filed against 589 cases of the product at St. Paul, Minn., and 18 cases at Lincoln, Nebr. The libels alleged that the article had been shipped in interstate commerce on or about September 3, 14, 18, and October 13, 1936, and February 20, 1937, by the Mammoth Spring Canning Co., from Sussex, Wis., and that it was adulterated in violation of the Food and Drugs Act. Portions of the article were labeled in part: "Gold-Dish Cut Beets [or "Kewpie Sliced Beets", or "Gladioli Cut Beets"] Packed by Mammoth Spring Canning Co., Main Office Waukesha Co. Wisc." The remainder was labeled in part: "Nation-Wide Service Grocers Sliced Beets * * * Distributed by Nation-Wide Service Grocers."

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

On March 9, May 8, and June 19, 1937, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

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

27098. Misbranding of canned peas. U. S. v. 242 Cases of Canned Peas. Consent decree of condemnation. Product ordered released under bond subject to relabeling. (F. & D. no. 39013. Sample no. 22589–C.)

These peas were substandard and not properly labeled as such.

On January 29, 1937, the United States attorney for the Middle District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 242 cases of canned peas at Leaksville, N. C., alleging that the article had been shipped in interstate commerce on or about November 19, 1936, by Howard E. Jones & Co. from Baltimore, Md., and charging adulteration in violation of the Food and Drugs Act. It was labeled in part: "Mason Dixon Brand Early June Peas Packed by Lineboro Canning Co. Inc. Lineboro, Md."

The article 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 indicating that it fell below such standard.

On March 10, 1937, Lineboro Canning Co., Inc., claimant, having appeared and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond subject to relabeling.

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

27099. Adulteration of apples. U. S. v. 150 Baskets of Apples. Default decree of condemnation and destruction. (F. & D. no. 39065. Sample no. 18767–C.)

This product was contaminated with lead and arsenic.

On January 25, 1937, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 150 baskets of apples at Des Moines, Iowa, consigned by J. C. Sewell Produce Co., Inc., on or about January 4, 1937, from Payette, Idaho, alleging that they had been shipped in interstate commerce and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Nampaho Brand Idaho Apples Winesap J. C. Sewell Produce Co., Inc. Payette, Idaho."

It was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, lead and arsenic, which might have rendered it injurious to health.

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.*