26584. Adulteration of blueberries. U. S. v. 3 Crates of Fresh Blueberries. Default decree of condemnation and destruction. (F. & D. no. 38165. Sample no. 16751–C.)

This case involved blueberries that were infested with maggots.

On August 7, 1936, the United States attorney for the Southern 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 three crates of fresh blueberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 6, 1936, by Peter Sunday, from Tobyhanna, Pa., and charging adulteration in violation of the Food and Drugs Act.

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

On August 22, 1936, no claimant appearing, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

26585. Misbranding and alleged adulteration of peaches. U. S. v. 93 Bushels of Peaches. Decree of condemnation. Product ordered released under bond to be relabeled. (F. & D. no. 38167. Sample no. 8213–C.)

This case involved peaches that fell below the grade indicated on the labels, since practically all were less than 2¼ inches, the size which they were represented to be.

On August 15, 1936, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 93 bushels of peaches at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about August 13, 1936, by Layton & Owens, from Bridgeville, Del., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Lawnview Brand Grown by Mrs. Wm. N. Willin, Bridgeville, Del. U. S. No. 1, Elberta 2¼ in."

The article was alleged to be adulterated in that peaches below the grade indicated on the label had been substituted in whole or in part for the article.

The article was alleged to be misbranded in that the statements on the label, "U. S. No. 1" and "2¼ in.", were false and misleading and tended to deceive and mislead the purchaser when applied to an article below the grade indicated on the label.

On August 17, 1936, Campbell & Colace, Philadelphia, Pa., having appeared as claimant, judgment was entered finding the product misbranded and ordering that it be condemned and released under bond to be relabeled.

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

26586. Misbranding and alleged adulteration of peaches. U. S. v. 119 Bushels of Peaches. Decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 38168. Sample no. 8214–C.)

This case involved fresh peaches that fell below the grade indicated on the label, approximately 90 percent being under 2 inches in diameter.

On August 15, 1936, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 119 bushels of peaches at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about August 13, 1936, by John Spence, from Bridgeville, Del., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "John Spence, Bridgeville, Del. U. S. No. 2 2 inch and up."

The article was alleged to be adulterated in that peaches below the grade indicated on the label had been substituted in whole or in part for the article.

The article was alleged to be misbranded in that the statements on the label, "U. S. No. 1" and "2 Inch and Up", were false and misleading and tended to deceive and mislead the purchaser when applied to an article below the grade indicated on the label.

On August 17, 1936, John Spence appearing as claimant, judgment was entered finding the product misbranded and ordering that it be condemned and released under bond to be relabeled.

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