29395. Adulteration of dried figs. U. S. v. 627 Bags and 704 Bags of Dried Figs (and 1 similar seizure action.) Default decree of condemnation and destruction. F. & D. Nos. 39895, 39896, 39950. Sample Nos. 26287–C, 26288–C, 26289–C, 49323–C.)

Samples of this product were found to be moldy, sour, insect-infested, and dirty.

On June 25 and July 8, 1937, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of a total of 1,511 sacks of dried figs at Chicago, Ill.; alleging that the article had been shipped in interstate commerce by Rosenberg Bros., & Co. from Fresno, Calif., in part on or about March 5, and in part on or about March 19, 1937; 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 vegetable substance.

On June 6, 1938, the cases having been consolidated, and no answer having been filed to the libels, judgment of condemnation was entered and the product was ordered destroyed.

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

29396. Adulteration of blueberries. U. S. v. 8 Crates (and 2 other seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 43329, 43332, 43367. Sample Nos. 26633–D, 26638–D, 26661–D.)

This product was infested with maggots.

On August 9, 10, and 11, 1938, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 37 crates of blueberries at New York, N. Y.; alleging that the article had been shipped in interstate commerce in various shipments on or about August 7, 8, and 9, 1938, by Kostick Bros. from Beaver Meadows, 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, and putrid vegetable substance.

On September 9, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

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

29397. Adulteration of blueberries. U. S. v. 8 Crates of Blueberries. Default decree of condemnation and destruction. (F. & D. No. 43328. Sample No. 26632–D.)

This product was infested with maggots.

On August 9, 1938, 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 eight crates of blueberries at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about August 6, 1938, by Paul Kopec from Tresckow, 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 filty, decomposed, or putrid vegetable substance.

On September 9, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

29398. Misbranding of meat scrap. U. S. v. Herbert Bryant, Inc. Plea of nolo contendere. Fine, $100. (F. & D. No. 28664. Sample No. 828–C.)

This product contained less protein than declared on the label.

On May 11, 1938, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Herbert Bryant, Inc., Alexandria, Va., alleging shipment by said company, in violation of the Food and Drugs Act, on or about September 15, 1936, from the State of Virginia into the State of Maryland, of a quantity of meat scrap which was misbranded. The article was labeled in part: "Meat Scrap * * * Manufactured by Herbert Bryant, Inc., Alexandria, Va."

It was alleged to be misbranded in that the statement "Protein 50.00%," borne on the bags, was false and misleading and was borne on the said bags

so as to deceive and mislead the purchaser, since the article contained less than 50 percent of protein, namely, not more than 47.26 percent of protein.

On June 6, 1938, a plea of nolo contendere having been entered by the defendant, the court imposed a fine of $100.

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

29399. Adulteration and misbranding of ground black pepper. U. S. v. Schloss & Kahn Grocery Co. Plea of guilty. Fine, $10. (F. & D. No. 42552. Sample No. 688–D.)

This product contained excessive shell.

On August 22, 1938, the United States attorney for the Middle District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Schloss & Kahn Grocery Co., a corporation, Montgomery, Ala., alleging shipment by said company on or about January 26 and March 3, 1938, from the State of Alabama into the State of Georgia of a quantity of ground black pepper which was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Pepper Schloss & Kahn Gro Co Montgomery Ala."

Adulteration was alleged in that ground pepper shells had been mixed and packed with the article so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part therefor; and in that ground pepper shells had been mixed with the article in a manner whereby its inferiority was concealed.

It was alleged to be misbranded in that it had been offered for sale under the distinctive name of another article; and in that the statement "Pepper" was false and misleading and was borne on the label so as to deceive and mislead the purchaser since it represented that the article consisted of ground black pepper, whereas it consisted in part of ground pepper shells.

On September 7, 1938, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $10.

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

29400. Adulteration of blueberries. U. S. v. 6 Crates of Blueberries. Default decree of condemnation and destruction. (F. & D. No. 43433. Sample No. 26532–D.)

This product was infested with maggots.

On August 16, 1938, 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 six crates of blueberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 14, 1938, by Spring Mountain Blueberry Association, Dominic Miraldo, from Tresckow, 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 September 9, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

29401. Adulteration of blueberries. U. S. v. 8 Crates and 4 Crates of Blueberries. Default decrees of condemnation and destruction. (F. & D. Nos. 43368, 43435. Sample Nos. 26533–D, 26662–D.)

This product was infested with maggots.

On August 11 and 16, 1938, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 12 crates of blueberries at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about August 9 and 14, 1938, by Ed Dvorak (or Dworak) from Kelayres, 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 September 9, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

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