dozen cans and 314 jars of whitefish caviar in various lots at Minneapolis, Minn., Philadelphia, Pa., Hartford, Conn., Pittsburgh, Pa., St. Louis, Mo., and Houston, Tex.; alleging that the article had been shipped in interstate commerce on various dates between October 5, 1937, and April 15, 1938, from New York, N. Y., by the Romanoff Caviar Co.; and charging that the article was adulterated and that a portion of it was also misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Whitefish Caviar * * * Packed by Hansen Caviar Company New York."

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

A portion of the article was alleged to be misbranded in that the following statements, variously appearing on the labels, "16 Oz. Net," "2 Oz. Net," "4 Oz. Net," "1 Oz. Net," and "1½ Oz. Net," were false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short weight; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On various dates between May 27 and August 15, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

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

29159. Adulteration of dried egg albumen. U. S. v. 1 Barrel of Dried Egg Albumen. Default decree of condemnation and destruction. (F. & D. No. 42333. Sample No. 8094–D.)

This product was decomposed.

On May 13, 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 one barrel of dried egg albumen at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about November 13, 1937, from Spokane, Wash., by the Commercial Creamery Co.; 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 animal substance.

On June 8, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

29160. Misbranding of canned peas. U. S. v. 1,246 Cases of Canned Peas. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. No. 42903. Sample Nos. 12642–D, 25375–D.)

This product fell below the standard established by this Department because the peas were not immature, and it was not labeled to indicate that it was substandard.

On June 8, 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 1,246 cases of canned peas at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about April 29, 1938, from Lineboro, Md., by the Lineboro Canning Co.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Mason-Dixon Brand Early June Peas Packed by Lineboro Canning Co. Inc. Lineboro, 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 July 22, 1938, the Lineboro Canning Co., 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 it be relabeled.

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