29185. Adulteration of dried prunes. U. S. v. 978 Boxes of Dried Prunes. Consent decree releasing product under bond. (F. & D. No. 40610. Sample No. 63212–C.)

This product was in part decomposed.

On October 29, 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 978 boxes of dried prunes at Portland, Oreg.; alleging that the article had been shipped in interstate commerce on or about October 1, 5, 7, 8, and 9, 1937, from Ridgefield, Wash., by J. E. Deako; 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 decomposed vegetable substance.

On June 15, 1938, Rosenberg Bros. & Co., Portland, Oreg., claimant, having admitted the allegations of the libel, the product was ordered released under bond conditioned that it not be disposed of contrary to law.

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

29186. Misbranding of canned peas. U. S. v. 588 Cases of Canned Peas. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. No. 41686. Sample No. 2111–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 February 19, 1938, the United States attorney for the District of South Dakota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 588 cases of canned peas at Sioux Falls, S. Dak.; alleging that the article had been shipped in interstate commerce on or about October 1, 1937, from Valders, Wis., by Valders Canning Co.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Cracker Jack Brand Wisconsin * * * Early Variety Peas * * * Valders Canning Co. Valders Wisconsin."

It was alleged to be misbranded in that it was substandard because the peas were not immature, since the alcohol-insoluble solids of the drained peas exceeded 23.5 percent, and the labels did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that the contents were substandard.

On April 29, 1938, Valders 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.*

29187. Adulteration of chocolate liquor in slabs. U. S. v. 36 Boxes of Chocolate Liquor. Default decree of condemnation and destruction. (F. & D. No. 42221. Sample No. 21015–D.)

This product was infested with insects.

On April 19, 1938, 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 36 boxes of chocolate liquor in slabs; alleging that the article had been shipped in interstate commerce on or about June 3, 1937, by Walter Baker & Co., Inc., from Milton, Mass.; 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 15, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

29188. Adulteration of Tostados (Mexican corn chips). U. S. v. 96½ Cases of Tostados. Default decree of destruction. (F. & D. No. 42238. Sample No. 19363–D.)

This product was rancid.

On April 22, 1938, 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 96½ cases of Tostados at St. Paul, Minn.; alleging that the article had been shipped in interstate commerce on or about April 17, 1937, from Brooklyn, N. Y., by the Tostados Corporation; and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "Tostados the Original Mexican Corn Chip * * * Tostados Corporation, Brooklyn, N. Y."