court a libel praying seizure and condemnation of 42 cases of canned corn at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about October 12, 1937, by Columbus Foods Corporation from Evansville, Wis.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Garden Brand Golden Wisconsin Corn * * * Packed by Garden Canning Company Evansville, Wis."

The article was alleged to be misbranded in that the statement "Corn," unqualified, was false and misleading and tended to deceive and mislead the purchaser when applied to field corn and not sweet corn, which it purported to be.

On July 11, 1938, no claimant having appeared, the court ordered the product destroyed.

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

29231. Misbranding of olive oil. U. S. v. 9 Cans and 19 Cans of Olive Oil. Default decrees of condemnation. Product delivered to charitable institution. (F. & D. Nos. 40965, 40966. Sample Nos. 45223–C, 45224–C.)

This product was short of the declared volume.

On December 6, 1937, the United States attorney for the District of Nevada, acting upon a report by the Secretary of Agriculture, filed in the district court 2 libels praying seizure and condemnation of 28 cans of olive oil at Reno, Nev.; alleging that the article had been shipped in interstate commerce on or about September 22, 1937, from Roseville, Calif., by Angelo Orsi Co.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Orsi [or "Angelo"] Brand Pure Olive Oil Manufactured and Packed by Angelo Orsi Company * * * Roseville, Calif."

It was alleged to be misbranded in that the statement "Net contents One Gallon" was 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 July 13, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered delivered to a charitable institution.

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

29232. Adulteration of tomato catsup. U. S. v. Farm King Packing Corporation. Plea of guilty. Fine, $75. (F. & D. No. 42511. Sample Nos. 62070–C, 9509–D.)

This product contained excessive mold.

On June 13, 1938, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Farm King Packing Corporation, Fredonia, N. Y., alleging shipment by said defendant in violation of the Food and Drugs Act on or about July 13, September 23, and November 18, 1937, from the State of New York into the State of Pennsylvania of quantities of tomato catsup that was adulterated. The article was labeled in part: "Sumore Brand Tomato Catsup Packed by Farm King Packing Co., Inc." or "Pomco Tomato Catsup Distributed by Potter McCune Co., McKeesport, Pa. Monessen, Pa. Pittsburgh, Pa."

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

On July 12, 1938, a plea of guilty having been entered in behalf of the defendant, the court imposed a fine of $75.

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

29233. Misbranding of canned peas. U. S. v. Phillips Sales Co. Plea of guilty. Fine, $25 and costs. (F. & D. No. 39760. Sample No. 13695–C.)

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 2, 1938, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Phillips Sales Co., a corporation, Cambridge, Md., alleging shipment by said defendant in violation of the Food and Drugs Act on or about November 28, 1936, from the State of Maryland into the State of Louisiana of a quantity of canned peas that were misbranded. The article was labeled in part: "Glyndon Brand * * * Early June Peas * * * Phillips Sales Co., Inc., Cambridge, Md. * * * Distributors."