31087. Adulteration of maple sirup. U. S. v. 1 Drum of Maple Sirup. Decree of condemnation and destruction. (F. & D. No. 45480. Sample No. 68962–D.)

Analysis showed that this product contained lead.

On June 9, 1939, the United States attorney for the District of Vermont, acting upon a report by the Secretary of Agriculture, filed a libel against one drum of maple sirup at Rutland, Vt., alleging that the article had been shipped in interstate commerce on or about April 24, 1939, by Fred H. Rater from Sherman, N. Y., and charging that it was adulterated in that it contained an added poisonous or deleterious ingredient, namely, lead, which might have rendered it injurious to health.

On January 27, 1940, no claimant having appeared, judgment of condemnation was entered and the article was ordered destroyed.

PAUL V. MCNUTT, *Administrator.*

31088. Adulteration of butter. U. S. v. Kearney Co. Co-Op Creamery. Plea of guilty. Fine, $25 and costs. (F. & D. No. 42784. Sample No. 67370–D.)

This product was deficient in butterfat.

On December 6, 1939, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Kearney Co. Co-Op Creamery, a corporation, Minden, Nebr., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about June 20, 1939, from the State of Nebraska into the State of New York, of a quantity of butter which was adulterated.

The article was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat.

On March 11, 1940, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $25 and costs.

PAUL V. MCNUTT, *Administrator.*

31089. Adulteration of tomato catsup. U. S. v. Frazier Packing Corporation. Plea of guilty. Fine, $250. (F. & D. No. 42802. Sample Nos. 66739–D, 84277–D.)

This product contained excessive mold.

On August 15, 1940, the United States attorney for the Southern District of Indiana, acting upon a report by the Federal Security Administrator, filed an information against the Frazier Packing Corporation, Elwood, Ind., alleging shipment by said company in violation of the Food and Drugs Act on or about January 21 and June 14, 1939, from the State of Indiana into the States of Missouri and Kansas, of two consignments of tomato catsup that was adulterated. One shipment was labeled in part: "Frazier's Tomato Catsup * * * Prepared by Frazier Packing Corp." The other shipment was labeled in part: "Sunshine Brand Tomato Catsup * * * Packed for Springfield Grocer Co., Springfield, Mo."

The article was alleged to be adulterated in that it consisted in whole and in part of a decomposed substance. The information also charged that the defendant had made seven other shipments of tomato catsup which was adulterated in violation of the Federal Food, Drug, and Cosmetic Act, as reported in notices of judgment published under that act.

On September 26, 1940, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $250 for violation of both acts.

PAUL V. MCNUTT, *Administrator.*

31090. Misbranding of canned cherries. U. S. v. 38 Cases of Canned Cherries and 1 other libel against a similar product. Decrees of condemnation. Product ordered distributed to a charitable institution. (F. & D. Nos. 45590, 45598. Sample Nos. 70422–D, 70495–D.)

This product was substandard because of the presence of excessive pits, and it was not labeled to indicate that it was substandard.

On or about January 29 and March 1, 1940, the United States attorney for the Northern District of Texas, acting upon reports by the Secretary of Agriculture, filed libels against 38 cases of canned cherries at Amarillo, Tex., and 42 cases of canned cherries at Pampa, Tex., alleging that the article had been shipped in interstate commerce on or about July 26, 1939, by the Colorado Packing Plant from Canon City, Colo.; and charging that it was misbranded