30339. Adulteration and misbranding of cherry cider. U. S. v. 76 Gallon Jugs of Cherry Cider (and 1 other seizure action against the same product). Consent decrees of condemnation. Product released under bond to be relabeled. (F. & D. Nos. 44541, 44725. Sample Nos. 37332–D, 37353–D.)

This product was represented to be pure cherry cider, whereas it contained added water. One portion also failed to bear a statement of the quantity of contents.

On December 20, 1938, and February 1, 1939, the United States attorney for the District of Nebraska, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 76 gallon jugs, 145 quart bottles, and 45 half-gallon jugs of cherry cider at Paxton, Nebr.; alleging that the article had been shipped in interstate commerce from Denver, Colo., within the period from on or about October 12 to on or about October 26, 1938, in part in the name of New Process Cider Co., and in part in the name of Marvin's New Process Cider Co.; and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Marvin's * * * Cherry Cider Pressed From Cherries."

It was alleged to be adulterated in that water had been mixed and packed with it so as to reduce or lower its quality or strength, and had been substituted wholly or in part for the article. It was alleged to be adulterated further in that it had been mixed in a manner whereby inferiority was concealed.

The article was alleged to be misbranded in that the statement on the label, "Cherry Cider pressed from Cherries," was false and misleading and tended to deceive and mislead the purchaser when applied to cherry juice adulterated with water. The portion of the product in quart bottles was alleged to be misbranded further 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 no quantity was stated.

On March 13, 1939, Edward W. Marvin, of Keith County, Nebr., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond conditioned that it be relabeled under the supervision of this Department.

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

30340. Adulteration of frozen fish fillets. U. S. v. 60 Cases, 6 Cases, and 125 Cases of Frozen Perch Fillets (and 2 other seizure actions). Consent decrees of condemnation and destruction. (F. & D. Nos. 44575, 44576, 44577, 44598, 44700, 44701. Sample Nos. 27452–D, 30980–D, 30981–D, 30983–D, 30984–D, 30987–D, 41111–D, 41114–D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages, at the time of examination, was found to be in part decomposed. A portion was also found to contain cysts of parasitic worms.

On December 27 and 29, 1938, and January 20, 1939, the United States attorney for the District of Colorado, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 684 cases of frozen fish fillets at Denver, Colo., consigned by General Seafood Corporation; alleging that the article had been shipped within the period from on or about August 25 to on or about November 15, 1938, in part from Boston, Mass., and in part from Chicago, Ill.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled variously in part: "Ocean Perch Fillets Cold Seal"; "Seafresh Ocean Perch Fillets"; "Cold Seal Fillets Whiting"; "Quick Frozen Fillets of Haddock."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On February 27, 1939, the shipper, General Seafoods Corporation, Boston, Mass., having signed an authorization for taking of final decrees, judgments of condemnation were entered and the product was ordered destroyed.

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

30341. Adulteration of butter. U. S. v. 17 Cubes of Butter. Consent decree of condemnation. Product released under bond. (F. & D. No. 44852. Sample No. 20166–D.)

This product contained less than 80 percent of milk fat.

On February 6, 1939, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in