and Drugs Act, on or about September 30 and October 13, 1937, from the State of Oklahoma into the State of Kansas, of quantities of cottonseed meal and cottonseed screenings that were misbranded. The articles were labeled in part: "Red Seal Brand Cotton Seed Cake and Meal * * * Manufactured by and for Muskogee Cotton Oil Co."; or "'Army' Brand Prime Quality * * * Cottonseed Cake and Meal Manufactured For and Guaranteed By Louis Tobian & Company Dallas, Texas."

The articles were alleged to be misbranded in that the statements borne on the tags, (one lot) "Protein not less than 41 percent" and "Crude Fiber not more than 13 percent," and (other lot) "Crude Protein not less than 43.00%," and "Crude Fiber, not more than 12.00%," were false and misleading and were borne on the tags so as to deceive and mislead the purchaser, since the former contained not more than 37.38 percent of protein and not less than 17.01 percent of crude fiber, and the latter contained not more than 40.81 percent of crude protein and not less than 14.03 percent of crude fiber.

On April 17, 1939, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $100.

M. L. WILSON, *Acting Secretary of Agriculture.*

30503. Oranges damaged by drying. U. S. v. 215 Boxes of Oranges. Default decree of condemnation. Portion fit for human consumption ordered disposed of for charitable purposes. Remainder ordered destroyed. (F. & D. No. 44978. Sample Nos. 37363-D, 37364-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 consist in part of fruit which had been damaged by drying.

On February 16, 1939, 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 215 boxes of oranges at Sioux Falls, S. Dak.; alleging that the article had been shipped on or about January 8, 1939, by Western Fruit Growers, Inc., from Redlands, Calif.; and charging violation of the Food and Drugs Act. The article was labeled in part, "Aurora W Navels."

The libel alleged in substance that citrus fruit damaged by drying had been substituted wholly or in part for edible citrus fruit which the article purported to be, in violation of section 7 of the Food and Drugs Act, paragraph second under foods.

On April 12, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed, with the exception of such portions as might be fit for human consumption, which were directed to be disposed of for charitable purposes.

M. L. WILSON, *Acting Secretary of Agriculture.*

30504. Misbranding of canned cherries. U. S. v. 75 Cases of Canned Cherries. Product ordered released under bond. (F. & D. No. 44361. Sample No. 5681-D.)

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

On November 17, 1938, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 75 cases of canned cherries at Wichita Falls, Tex.; alleging that the article had been shipped in interstate commerce on or about August 22, 1938, from Fort Collins, Colo., by the Producers Canning Co.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Highland Brand Water Pack Colorado Red Pitted Cherries."

The article 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 there was present more than 1 cherry pit per 20 ounces of net contents, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it fell below such standard. A further allegation of misbranding was that the statement "Red Pitted Cherries" was false and misleading and was calculated to deceive the purchaser.

On December 3, 1938, Producers Canning Co. having appeared as claimant and having admitted the allegations of the libel, judgment was entered ordering that the product be released under bond conditioned that it not be disposed of contrary to law.

M. L. WILSON, *Acting Secretary of Agriculture.*