

30548. Adulteration of flour. U. S. v. 500 Bags of Flour (and 5 other seizure actions against the same product). Default decrees of condemnation and destruction. (F. & D. Nos. 44854 to 44859, inclusive. Sample Nos. 50252-D to 50257-D, inclusive.)

This product, which had been shipped in interstate commerce, at the time of examination was found to be insect-infested.

On February 20, 1939, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 1,278 bags of flour at Vicksburg, Miss.; alleging that the article had been shipped on or about March 30, 1939, by the Sperry Flour Mills from Ogden, Utah; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Morning Joy Flour."

Adulteration was alleged in that the article consisted wholly or in part of a filthy vegetable substance.

On May 16, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

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

30549. Adulteration of frozen fillets. U. S. v. 359 Boxes of Perch Fillets (and 13 other seizure actions against similar products). Decrees of condemnation and destruction. (F. & D. Nos. 44898, 44901, 44943, 44964, 44965, 44983, 45003, 45039, 45057, 45071, 45077 to 45082, inclusive, 45115, 45123, 45183. Sample Nos. 16393-D, 29436-D, 34998-D, 41201-D, 41202-D, 41203-D, 41208-D, 41209-D, 41210-D, 43113-D, 43149-D, 43156-D, 44960-D, 48079-D, 49639-D, 49733-D, 50353-D, 53104-D, 54519-D, 54525-D, 58960-D.)

This product had been shipped in interstate commerce and remained unsold and in the original packages. At the time of examination decomposition was found in certain lots, other lots were infested with parasitic worms, and in some lots both conditions were found.

Between February 23 and April 11, 1939, the United States attorneys for the Eastern District of Louisiana, Eastern District of Missouri, Northern District of Ohio, District of Minnesota, Northern District of Texas, Southern District of West Virginia, Eastern District of Michigan, Southern District of Georgia, Western District of Pennsylvania, Southern District of Ohio, and the District of Colorado, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 3,070 boxes and 569 cases of fillets in various lots at New Orleans, La., St. Louis, Mo., Cleveland, Ohio, Minneapolis, Minn., Dennison, Ohio, Dallas, Tex., Charleston, W. Va., Detroit, Mich., Augusta, Ga., Pittsburgh, Pa., Cincinnati, Ohio, and Denver, Colo. The libels alleged that the article had been shipped by the General Seafoods Corporation, in most instances from Boston, Mass., one shipment having been made from Cleveland, Ohio; that one of the shipments was made on or about December 23, 1937, and that the remainder had been made within the period from on or about August 2, 1938, to on or about March 30, 1939; and charged that the article was adulterated in violation of the Food and Drugs Act. The article was variously labeled in part: "Seafresh Quick Frozen Fillets"; "Skinless Fillets Cello"; "Ocean Perch Fillets"; "Stk. Dressed Whiting"; "Nordic Hadd. Fillets"; "Large Hadd. Fillets"; "40 Fathom Brand"; "Cold Seal Fillets"; "Layer Pack Blue Ribbon."

The article was alleged to be adulterated in that a portion consisted in whole or in part of a decomposed animal substance; a second portion consisted in whole or in part of a filthy animal substance and the remainder consisted in whole or in part of a filthy and decomposed animal substance.

Between April 5 and May 8, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

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

30550. Adulteration and misbranding of cold-pack cherries. U. S. v. 523 Cans and 767 Cans of Cold-Pack Cherries. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 40921. Sample Nos. 57140-C, 57141-C.)

This product was labeled to indicate that it was cold-packed frozen fruit containing 4 parts of fruit and 1 part of dry sugar, namely, 80 percent fruit and 20 percent dry sugar. It consisted, however, of a mixture of sugar, water, and cherries, containing less than 80 percent of cherries.

On November 26, 1937, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,290 cans of cold-pack cher-

ries at Newark, N. J.; alleging that the article had been shipped on or about July 15 and July 20, 1937, by Case Packing Co., Sodus, N. Y., from Germantown, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Zeroseald * * * Cherries Packed with Liquid Sugar 4+1."

It was alleged to be adulterated in that water had been mixed and packed with it so as to reduce and lower its quality and strength; and in that a mixture of sugar, water, and cherries which contained less than 80 percent of cherries, had been substituted in whole or in part for cold-pack cherries, which it purported to be because of the statement "4+1" on the label.

It was alleged to be misbranded in that the statement "Cherries Packed with Liquid Sugar 4+1" was false and misleading and tended to deceive and mislead the purchaser when applied to an article which contained less than 80 percent of cherries; and in that the term "Liquid Sugar" on the label was misleading and tended to deceive and mislead the purchaser, since it implied that the article contained sugar in liquid form.

On February 16, 1939, Flint & Fulton, Inc., Asbury Park, N. J., claimant, 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 to comply with the law.

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