district court a libel praying seizure and condemnation of 381 bags of almonds at New York, N. Y.; alleging that the article had been shipped on or about November 4, 1938, by Rosenberg Bros. & Co. from San Francisco, Calif.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Ensign Brand California Nonpareil Almonds Crop 1938."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed vegetable substance.

On December 21, 1938, Rosenberg Bros. & Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that the unfit portion be denatured or destroyed.

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

29944. Adulteration of butter. U. S. v. 18 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. & D. No. 44546. Sample No. 44770–D.)

This product contained less than 80 percent of milk fat.

On December 8, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 18 tubs of butter at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about November 4, 1938, by the Fairview Creamery Co. from Houston, Tex.; and charging adulteration in violation of the Food and Drugs Act.

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 of milk fat as provided by act of March 4, 1923.

On December 21, 1938, Carl Ahlers, Inc., New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent of milk fat.

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

29945. Misbranding of canned cherries. U. S. v. 91 Cases of Canned Cherries. Default decree of forfeiture and destruction. (F. & D. No. 44322. Sample No. 30510–D.)

This product was substandard because it contained excess packing medium, and it was not labeled to indicate that it was substandard.

On November 16, 1938, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 91 cases of canned cherries at Pocatello, Idaho; alleging that the article had been shipped in interstate commerce on or about January 22, 1938, by the National Fruit Canning Co. from Seattle, Wash.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Tastefull Brand Pitted Red Sour Cherries in water."

It was alleged to be misbranded in that it was canned food and fell below the standard of fill of container promulgated by the Secretary of Agriculture, since it contained excess packing medium, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard.

On December 13, 1938, no claimant having appeared, judgment of forfeiture was entered and the product was ordered destroyed.

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

29946. Adulteration of canned oysters. U. S. v. 790 Cases of Dunbar Oysters. Default decree of condemnation and destruction. (F. & D. No. 44466. Sample No. 50145–D.)

This product was in part decomposed.

On December 3, 1938, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 790 cases of canned oysters at San Francisco, Calif.; alleging that the article had been shipped in interstate commerce on or about November 22, 1938, by Dunbar-Dukate Co., Inc., from New Orleans, La.; and charging adulteration in violation of the Food and Drugs Act.