or about July 20, 1938, from Terre Haute, Ind., by the Loudon Packing Co.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Peacock's V–8 Cocktail A Blend of 8 Vegetable Juices * * * made in U. S. A. by New England Products, Inc., Evanston, Ill."

Adulteration was alleged in that the article consisted in whole or in part of a decomposed vegetable substance.

On January 5 and January 19, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

30077. Misbranding of canned cherries. U. S. v. 423 Cases and 493 Cases of Cherries. Product ordered released under bond to be relabeled. (F. & D. Nos. 44194, 44195. Sample Nos. 30882–D, 30883–D.)

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

On October 18, 1938, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 916 cases of canned cherries at El Paso, Tex.; alleging that the article had been shipped in interstate commerce on or about September 2, 1938, by Producers Canning Co. from Fort Collins, Colo.; and charging misbranding in violation of the Food and Drugs Act. A portion of the article was labeled: "Avondale Brand Sour Pitted Cherries Distributors James A. Dick Co., El Paso, Texas." The remainder was labeled: "Brimfull Brand Water Pack Red Sour Pitted Cherries * * * Distributed by Kitchen Products, Inc. Chicago, Ill."

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.

On November 10, 1938, the Producers Canning Co. having appeared as claimant, judgment was entered ordering that the product be released under bond to be relabeled.

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

30078. Adulteration of flour. U. S. v. 380 Bags and 140 Bags of Flour. Default decree of condemnation and destruction. (F. & D. Nos. 44157, 44158. Sample Nos. 38166–D, 38167–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 insect-infested and to contain rodent hairs.

On October 13, 1938, the United States attorney for the Middle District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 520 bags of flour at Dothan, Ala.; alleging that the article had been shipped on or about May 19, 1938, by the M. D. King Milling Co., Inc., from Pittsfield, Ill.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Chapmans Principia Patent."

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

On January 12, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

30079. Adulteration of tomato puree and tomato catsup. U. S. v. 11 Cases of Tomato Puree and 7 Cases of Tomato Catsup (and 1 similar seizure action). Default decrees of condemnation and destruction. (F. & D. Nos. 44370, 44371, 44444. Sample Nos. 20471–D, 20472–D, 20552–D.)

These products contained insect and worm fragments.

On or about November 18 and December 2, 1938, the United States attorney for the District of Arizona, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 143 cases of tomato puree and 7 cases of tomato catsup at Phoenix, Ariz., consigned by Val Vita Food Products, Inc.; alleging that the articles had been shipped in interstate commerce within the period from on or about April 9 to on or about October 4, 1938, from Fullerton, Calif.; and charging adulteration in violation of the Food and Drugs Act. The articles were labeled in part respectively;