

On January 13, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

30150. Misbranding of canned cherries. U. S. v. Five Cases of Cherries. Default decree of condemnation and destruction. (F. & D. No. 43872. Sample No. 30140-D.)

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

On September 13, 1938, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of five cases of canned cherries at Wilkes-Barre, Pa.; alleging that the article had been shipped in interstate commerce on or about July 25, 1938, by the Quaker Maid Co. from Brockport, N. Y.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "A. & P. Red Sour Pitted Cherries * * * Packed for the Great Atlantic & Pacific Tea Co., New York, N. Y. Distributors."

It 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 February 2, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

30151. Adulteration and misbranding of imitation strawberry jam. U. S. v. 9 Cases, 29 Cases, and 14 Cases of Imitation Strawberry Jam. Consent decrees of condemnation and destruction. (F. & D. Nos. 44722, 44769, 44808. Sample Nos. 36036-D, 36134-D, 43361-D.)

This product contained excessive mold and a portion was short weight.

On January 24 and February 2 and 8, 1939, the United States attorney for the District of Hawaii, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 52 cases of imitation strawberry jam, in part at Honolulu, and in part at Hilo, T. H.; alleging that the article had been shipped within the period from on or about December 22, 1938, to on or about January 23, 1939, by Kockos Bros., Ltd., from San Francisco, Calif.; and charging adulteration of the former lot and misbranding of the latter, in violation of the Food and Drugs Act as amended. The article was labeled in part: "Five Brothers Fine Quality Imitation Strawberry Jam Net Weight 2 Lbs. * * * Enjoy Packing Co. San Francisco, Calif."

Adulteration of all lots was alleged in that the article consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

One lot was alleged to be misbranded in that the statement "Net Weight 2 Lbs." was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short weight; and 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 the quantity stated was incorrect.

On January 25, February 4, and February 20, 1939, the shipper having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered destroyed.

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

30152. Adulteration of lobster tails. U. S. v. 13 Boxes of Lobster Tails. Default decree of condemnation and destruction. (F. & D. Nos. 44580, 44581. Sample No. 34927-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 whole or in part decomposed.

On December 23, 1938, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 13 boxes of lobster tails at Baltimore, Md.; alleging that the article had been shipped on or about October 9, 1938, by M. Feigenbaum & Sons from Pittsburgh, Pa.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Captail Brand Tails Product of Union of South Africa Langouste."

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

On January 24, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture*

30153. Adulteration of cream. U. S. v. Four 10-Gallon Cans and One 5-Gallon Can of Cream (and three other seizure actions against the same product.) Default decrees of condemnation and destruction. (F. & D. Nos. 44771 to 44774, inclusive. Sample Nos. 30684-D, 31123-D, 31124-D, 41136-D.)

This product was in whole or in part filthy and decomposed.

On January 25, 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 13 cans of cream at Denver, Colo.; alleging that the article had been shipped in interstate commerce in various shipments on or about January 21, 22, and 23, 1939, by E. M. Lewis from Abbott, N. Mex., G. L. Woods from Elsie, Nebr., Florsheim Merc. Co. from Springer, N. Mex., Ray Rentfro from Bushnell, Nebr., R. A. Cealins from Lyman, Nebr., Clarence Tipton from Silverton, Tex., Ray Cross from Edison, Nebr., Mrs. E. R. Schultz from Hartley, Tex., J. M. Thompson from Silverton, Tex., G. W. Corns from Norton, Kans., R. L. Carter from Silverton, Tex., Wilbur Dutton from Melbeta, Nebr., and Campbell Produce Co. from Benkelman, Nebr.; and charging adulteration in violation of the Food and Drugs Act.

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

On January 25, 1939, the consignees having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered destroyed.

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

30154. Adulteration of cream of rice. U. S. v. 500 Cartons, 1,000 Cartons, and 100 Cases of Cream of Rice (and 2 other seizures of the same product). Decrees of condemnation. Portion of product released under bond to be disposed of for animal feed. Remainder destroyed. (F. & D. Nos. 44135, 44136, 44137, 44275, 44356. Sample Nos. 39731-D, 39732-D, 39733-D, 39742-D, 39747-D, 43441-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.

On October 11, November 1, and November 17, 1938, the United States attorneys for the Western District of Washington and the Northern District of California, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 1,500 cartons and 900 cases of cream of rice at Seattle, Wash., and 120 cases of cream of rice at San Francisco, Calif.; alleging that the article had been shipped in part by the Cream of Rice Co., from New Orleans, La., to Seattle, Wash., on or about August 26, 1938, and from New Orleans to San Francisco, Calif., on or about September 10, 1938; and in part by Raft & Suydan from San Francisco to Seattle on or about October 14, 1938; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On January 13, 1939, the libels filed at Seattle, Wash., having been consolidated and the Grocery Store Products Sales Co., Inc., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be used in the manufacture of animal feed. On January 14, 1939, no claim having been entered for the lot seized at San Francisco, judgment of condemnation was entered and the lot was ordered destroyed.

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

30155. Adulteration and misbranding of flavors. U. S. v. Outlet Merchandise Co. and Samuel Koffler. Pleas of guilty. Fine of \$25 on the corporation and a fine of \$1 on the individual defendant. (F. & D. No. 42601. Sample Nos. 1036-D, 12281-D, 12283-D, 12285-D, 14213-D to 14217-D, inclusive.)

This case involved the following: A product sold as vanilla flavor or vanilla, which was not true vanilla flavor since its flavoring strength was derived from vanillin and coumarin, and which was artificially colored and possessed from one-sixth to one-half the flavoring strength of true vanilla flavor; and other products sold as orange and lemon flavors, which contained approximately 30