borne on the tag, were false and misleading and tended to deceive and mislead the purchaser, since it contained not more than 20.62 percent of crude protein, and not more than 40.79 percent of nitrogen-free extract.

On February 1, 1939, the defendant entered a plea of guilty and the court imposed a fine of $25.

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

30191. Misbranding of canned apricots. U. S. v. 54 Cases of Apricots. Default decree of condemnation and destruction. (F. & D. No. 44438. Sample No. 30961-D.)

This product fell below the standard established by the Department because the fruit was not in unbroken halves; and it was not labeled to show that it was substandard since a large proportion of the cans bore no substandard legend and in the case of those cans which bore the legend, it was not on a uniform background as required by regulations.

On November 29, 1938, the United States attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 43 cases of canned apricots at Clayton, N. Mex.; alleging that the article had been shipped in interstate commerce on or about October 27, 1938, by H. D. Olson from Ogden, Utah; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Utah's Pride Apricots * * * Packed by the North Ogden Canning Co. North Ogden, Utah."

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 the fruit was not in unbroken halves and its package label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard.

On February 9, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

30192. Adulteration of walnut meats. U. S. v. Three and One-half Cartons of Walnut Meats. Default decree of condemnation and destruction. (F. & D. No. 44539. Sample No. 50543-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 moldy and worm-eaten.

On or about December 16, 1938, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture. filed in the district court a libel praying seizure and condemnation of 3½ cartons of walnut meats at Spokane, Wash.; alleging that the article had been shipped on or about November 25, 1938, by Western Nut Shelling Co., from Los Angeles, Calif.; and charging adulteration in violation of the Food and Drugs Act.

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

On February 10, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

30193. Adulteration of oysters. U. S. v. 270 Pints of Oysters. Default decree of condemnation and destruction. (F. & D. No. 44655. Sample No. 10704-D.)

This product contained added water.

On January 10, 1939, 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 270 pints of oysters at Wilkes-Barre, Pa.; alleging that the article had been shipped in interstate commerce in part on or about January 2, 1939, and in part on or about January 4, 1939, by M. L. Tull & Bro. from Crisfield, Md.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that water had been mixed and packed with it so as to reduce or lower its quality; and in that water had been substituted in whole or in part for the article.

On February 18, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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