tartrazine and orange I, in a manner whereby its inferiority to spaghetti made wholly from semolina was concealed.

It was alleged to be misbranded in that the statement "100% Semolina," borne on the case, was false and misleading and was applied thereto so as to deceive and mislead the purchaser in that the said statement represented that the article had been made wholly from semolina; whereas it had been made from flour and semolina and was artificially colored so as to simulate the color of spaghetti made wholly from semolina.

On March 28, 1938, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $11 and costs.

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

28776. Adulteration of dried prunes. U. S. v. 42 Boxes of Dried Prunes. Default decree of condemnation and destruction. (F. & D. No. 41607. Sample No. 8322-D.)

This product was infested with worms and weevils.

On February 5, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 42 boxes of prunes at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about December 5, 1937 [1936], from San Jose, Calif., by California Prune & Apricot Growers Association Plant No. 11, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Golden Glow Brand * * * Pitted Prunes, Calif. Prune and Apricot Growers Association, San Jose, Calif."

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

On March 18, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

28777. Misbranding of pecan meats, walnut meats, and mixed salted nuts. U. S. v. 30 Cases of Pecan Meats, 27 Cases of Walnut Meats, and 35 Cases of Mixed Salted Nuts. Decree of condemnation. Product ordered released under bond for repacking and sale in bulk. (F. & D. No. 41347. Sample Nos. 55253-C, 55254-C, 55255-C, 55275-C, 55276-C, 55277-C.)

This product was packed in a container with a false bottom. The quantity of the contents was not plainly and conspicuously declared.

On January 7, 1938, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 92 cases of nut meats and mixed salted nuts at Providence, R. I., alleging that the article had been shipped in interstate commerce on or about November 12, 1937, by John W. Leavitt Co. from Boston, Mass., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Net Weight 4 Ozs. [or "Net Weight 5 Ozs. Salted Nuts"] * * * Nut Meats John W. Leavitt Co., Boston, Mass."

It was alleged to be misbranded in that the package bore a device which was misleading as to the quantity of the contents of the package. The article was alleged to be misbranded further 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.

On February 23, 1938, John W. Leavitt Co. having appeared, admitted the allegations of the libel, and consented, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be repacked and sold only in bulk. On March 5, 1938, the decree was amended to permit shipment under the direction and supervision of this Department to Boston, Mass., for such repacking.

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

28778. Adulteration and misbranding of catsup. U. S. v. 24 Cases of Catsup. Default decree of condemnation and destruction. (F. & D. No. 41344. Sample No. 21588-C.)

This product contained a red artificial color and pulp other than tomato pulp.

On or about January 7, 1938, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 24 cases of catsup at Gulfport, Miss., alleging that the article had been shipped in interstate commerce on or about December 11, 1937, by E. A. Zatarain and