

to tomatoes that were not packed in Florida, and in that it was labeled as aforesaid so as to deceive and mislead the purchaser.

On October 18, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public welfare agency.

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

28179. Adulteration of canned blackberries. U. S. v. 82 Cases of Canned Blackberries. Default decree of condemnation and destruction. (F. & D. No. 39996. Sample Nos. 39455-C, 39468-C.)

These canned blackberries were moldy.

On July 20, 1937, 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 82 cases of canned blackberries at Oakland, Calif., alleging that the article had been shipped in interstate commerce on or about May 21, 1937, by John Abbott, from Astoria, Oreg., and charging adulteration in violation of the Food and Drugs Act. The article was labeled: (Cans) "The Irvine Co. Oakland, California * * * Blackberries."

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

On January 20, 1938, no claimant having appeared, judgment of condemnation was entered, and the article was ordered destroyed.

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

28180. Adulteration of crab meat. U. S. v. 1 Keg and 15 Cans of Crab Meat. Default decree of condemnation and destruction. (F. & D. No. 39983. Sample No. 32275-C.)

This product contained evidence of the presence of filth.

On July 15, 1937, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1 keg and 15 cans of crab meat at Washington, D. C., alleging that the article had been shipped in interstate commerce on or about July 13, 1937, by V. S. Lankford from Hampton, Va., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted of a filthy animal substance.

On February 15, 1938, default decree of condemnation and order of destruction of the article was entered.

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

28181. Adulteration of dairy ration. U. S. v. 204 Sacks of Dairy Ration. Decree of condemnation. Article released under bond for relabeling. (F. & D. No. 39969. Sample No. 2605-C.)

This product contained less protein and fat and more fiber than declared.

On July 21, 1937, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 204 sacks of dairy ration at Mondovi, Wis., alleging that the article had been shipped in interstate commerce on or about April 12, 1937, by the Northern Oats Co., from Minneapolis, Minn., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Front of tag) "16% Dairy Ration Manufactured By Commercial Research Lapp Laboratories * * * Minneapolis, Minnesota"; (reverse side) "Analysis: Protein----16% Fat----3% Fibre----12%."

The article was alleged to be misbranded in that the statements borne on the label were false and misleading and tended to deceive and mislead the purchaser since it contained less protein and fat and more fiber than declared.

On October 2, 1937, the Northern Oats Co., Inc., having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered. And it was ordered that the product be released under bond conditioned upon relabeling.

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

28182. Adulteration of canned cherries. U. S. v. 50 Cartons of Canned Cherries. Default decree of condemnation and destruction. (F. & D. No. 40460. Sample No. 51034-C.)

This product contained maggots.

On October 9, 1937, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the

district court a libel praying seizure and condemnation of 50 cartons of canned cherries at Santa Barbara, Calif., alleging that the article had been shipped in interstate commerce on or about September 30, 1937, from Seattle, Wash., by the National Fruit Canning Co., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Westag Brand Water Pack Red Sour Pitted Cherries * * * Western States Grocery Company, Distributors Oakland California."

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

On November 24, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

28183. Adulteration of flour. U. S. v. 420 Bags of Flour. Decree of condemnation. Product released under bond for segregation and denaturing of portion unfit for human consumption. (F. & D. No. 40290. Sample No. 53354-C.)

This article was infested with insects.

On September 15, 1937, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 420 bags of flour at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about August 12, 1937, by Kell Mill & Elevator Co., from Wichita Falls, Tex., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Kell Mill & Elevator Co. Wichita Falls, Texas Western Lily Flour."

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

On October 15, 1937, J. F. Eagan, New Orleans, La., having intervened as owner or agent for the owner and having admitted the allegations, judgment of condemnation was entered. It was ordered that the property be released to the claimant under bond conditioned that the bad portion be separated from the good, if any, and the former denatured so that it could not be used for human food, but that it might be used as animal feed.

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

28184. Adulteration of flour. U. S. v. 163 Bags of Flour. Decree of condemnation and forfeiture. Article released under bond for segregation and denaturing of portion unfit for human consumption. (F. & D. No. 40301. Sample No. 53361-C.)

This product was infested with weevils and worms.

On September 16, 1937, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 163 bags of flour at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about July 5, 1937, by Ismert Hincke Milling Co. from Kansas City, Mo., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Thunderbolt Flour Ismert Hincke Milling Co., Kansas City."

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

On October 15, 1937, Schwartz & Voelkel, New Orleans, La., having intervened as owner or agent for the owner and having admitted the allegations of the libel, judgment of condemnation was entered. The product was ordered released to the claimant under bond conditioned that the bad be separated from the good, if any, and that the former be denatured so that it could not be used for human food, but that it might be used as animal feed.

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

28185. Misbranding of canned peas. U. S. v. 300 Cases of Canned Peas. Decree of condemnation. Product released under bond for relabeling. (F. & D. No. 40165. Same No. 44222-C.)

This product was substandard since the peas were not immature, and it was not labeled to indicate that it was substandard.

On August 23, 1937, the United States attorney for the Western District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 300 cases of canned peas at Charlotte, N. C., alleging the article had been shipped in inter-