27864. Adulteration of cherries. U. S. v. 11 Crates of Montmorency Cherries. Default decree of condemnation and destruction. (F. & D. No. 40138. Sample No. 49803–C.)

This product was contaminated with arsenic and lead.

On August 5, 1937, 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 11 crates of cherries at Chicago, Ill., alleging that they had been shipped in interstate commerce on or about July 29, 1937, by Jochem Bros. from Bridgman, Mich., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On September 30, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

27865. Adulteration of whitefish. U. S. v. 42 Boxes of Whitefish. Consent decree of condemnation and destruction. (F. & D. No. 40144. Sample No. 37558–C.)

This product was infested with parasitic worms.

On August 3, 1937, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 42 boxes of whitefish at Brooklyn, N. Y., alleging that the article had been shipped on or about August 1, 1937, by the Main Fish Co. from Montreal, Canada, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in part of a filthy animal substance and in that it consisted of portions of animals unfit for food.

On August 13, 1937, the sole intervenor having admitted the allegations of the libel and having requested immediate destruction of the product, judgment of condemnation was entered and it was ordered destroyed.

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

27866. Adulteration and misbranding of Cheddar cheese. U. S. v. 152 Cartons of Cheddar Cheese. Default decree of condemnation. Product delivered to charitable organizations. (F. & D. Nos. 40147, 40148. Sample Nos. 9606–C, 9607–C.)

This product was deficient in fat, and a portion contained excessive moisture.

On August 23, 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 152 cartons of Cheddar cheese at Los Angeles, Calif., alleging that the article had been transported in interstate commerce in part on or about May 27, and in part on or about July 13, 1937, via truck of the Dickey-Davis Co. from Phoenix, Ariz., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled: (A portion) "Full Cream Whole Milk Cheddar Cheese"; (remainder) "Whole Milk Cheddar Cheese." All was labeled further: "Plains Co-Op., Inc., Plainview, Texas."

It was alleged to be adulterated in that a substance deficient in fat, a part of which contained excessive moisture, had been substituted wholly or in part for full-cream whole-milk Cheddar cheese or whole-milk Cheddar cheese, which it purported to be.

The article was alleged to be misbranded in that the statements "Full Cream" and "Whole Milk" with respect to a portion and the statement "Whole Milk" with respect to the remainder were false and misleading and tended to deceive and mislead the purchaser when applied to an article deficient in fat, a part of which contained excessive moisture.

On September 29, 1937, no claimant having appeared, judgment of condemnation was entered and since the product was fit for human consumption, it was ordered delivered to charitable organizations.

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