The article was alleged to be misbranded in that the statement "Butter", borne on the package, was false and misleading and was borne on the package so as to deceive and mislead the purchaser, since it represented that the article was butter, a product which should contain not less than 80 percent by weight of milk fat; whereas it did not contain 80 percent by weight of milk fat but did contain a lesser amount.

On May 17, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $200 and costs.

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

27419. Adulteration and misbranding of canned cherries. U. S. v. 25 Cases of Canned Cherries. Default decree of condemnation and destruction. (F. & D. no. 38826. Sample no. 31058–C.)

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

On January 28, 1937, 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 25 cases of canned cherries at Raton, N. Mex., alleging that they had been shipped in interstate commerce on or about November 10, 1936, by the Delta Canning Co., from Delta, Colo., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Town Talk Water Pack R. S. P. Cherries * * * Packed for The Stone-Hall Co., Denver, Colo."

It was alleged to be adulterated in that partially pitted red sour cherries had been mixed and packed therewith so as to reduce or lower its quality and had been substituted in part for red sour pitted cherries, which it purported to be.

The article was alleged to be misbranded in that the statement "R. S. P. Cherries" was false and misleading and tended to deceive and mislead the purchaser when applied to partially pitted cherries. The article was alleged to be misbranded further in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture since the cherries were partially pitted, 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 March 4, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

27420. Adulteration of cabbage. U. S. v. 416 Hampers of Cabbage. Decree of condemnation. Product released under bond conditioned that deleterious substances be removed. (F. & D. no. 38828. Sample no. 6121–C.)

This product was contaminated with arsenic and lead.

On November 25, 1936, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 416 hampers of cabbage at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about November 13, 1936, by Chas. Gibson, Inc., from Meggett, S. C., and charging adulteration in violation of the Food and Drugs Act. It was labeled in part: "Gibson Jr Brand Grown & Packed Chas F. Gibson Meggett S. C."

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

On December 3, 1936, the Michigan Central Railroad Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released to the claimant under bond, conditioned that the outer leaves bearing the poisonous and deleterious substances be stripped off.

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

27421. Adulteration of tomato catsup. U. S. v. 612 Cases of Tomato Catsup. Default decree of destruction. (F. & D. no. 38853. Sample no. 5229–C.)

Samples of this product were found to contain worm fragments.

On December 19, 1936, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district