27502. Adulteration of cream. U. S. v. One 10-Gallon Can of Cream. Consent decree of condemnation and destruction. (F. & D. no. 40332. Sample no. 48037-C.)

This product was found to be decomposed.

On July 21, 1937, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one can of cream at Denver, Colo., alleging that the article had been shipped in interstate commerce on or about July 10, 1937, by Hartley Merc. & Groc. Co., from Hartley, Tex., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On July 21, 1937, the consignee having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered ordering that the product be destroyed.

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

27503. Adulteration of butter. U. S. v. Armour & Co. (Armour Creameries). Plea of guilty. Fine, $200. (F. & D. no. 38610. Sample nos. 5094-C, 11603-C.)

This case involved butter that contained less than 80 percent by weight of milk fat.

On December 16, 1936, the United States attorney for the District of North Dakota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Armour & Co., a corporation, having a place of business at Fargo, N. Dak., alleging shipment by said company, under the name of Armour Creameries, in violation of the Food and Drugs Act, on or about July 27, 1936, from the State of North Dakota into the State of Massachusetts of a quantity of butter which was adulterated.

The article was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat, as prescribed by the act of Congress of March 4, 1923, which the article purported to be.

On February 8, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $200.

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

27504. Misbranding of canned cherries. U. S. v. 67 Cases of Canned Cherries. Product ordered released under bond to be relabeled. (F. & D. no. 39241. Sample no. 28920-C.)

This product failed to conform to the standard established for canned cherries by this Department, because it was packed in water and was not labeled to indicate that it was substandard.

On April 1, 1937, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 67 cases of canned cherries at Great Falls, Mont., alleging that the article had been shipped in interstate commerce on or about September 4, 1936, by the California Packing Corporation from Yakima, Wash., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Baronet Brand Pitted Red Sour Cherries Packed for the Cress Packing Co., San Francisco, Calif."

The article 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 cherries were packed in water and the 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 June 7, 1937, the Cress Packing Co. having appeared as claimant, judgment was entered ordering that the product be released to the claimant under bond, conditioned that it be relabeled to show that it was substandard.

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

27505. Misbranding of corn gluten feed. U. S. v. Corn Products Refining Co. Plea of guilty. Fine, $50. (F. & D. no. 39451. Sample no. 2080-C.)

This product contained a smaller percentage of crude protein than, declared on the label.

On May 19, 1937, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the