culture, since the peas were not immature, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard.

On May 25, 1937, the H. J. McGrath Co. having appeared as claimant for the lot seized at Boston, Mass., and having admitted the allegations of the libel, judgment of condemnation was entered ordering that the product be released to the claimant under bond conditioned that it be properly relabeled. On June 16, 1937, no claim having been entered for the lot seized at Washington, D. C., judgment was entered condemning said lot and ordering that it be destroyed.

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

27604. Adulteration of butter. U. S. v. Land O'Hills Creamery, Inc. Plea of guilty. Fine, $50. (F. & D. No. 39468. Sample No. 8848–C.)

This product contained less than 80 percent of milk fat.

On June 28, 1937, the United States attorney for the Northern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Land O'Hills Creamery, Inc., Buckhannon, W. Va., alleging shipment by said company in violation of the Food and Drugs Act on or about January 2, 1937, from the State of West Virginia into the State of New York 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, which it purported to be.

On June 29, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $50.

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

27605. Adulteration of canned cherries. U. S. v. Starr Fruit Products Co. Plea of guilty. Fine, $50. (F. & D. No. 39445. Sample No. 24112–C.)

Samples of this product were found to contain maggots.

On May 26, 1937, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Starr Fruit Products Co., a corporation, Portland, Oreg., alleging shipment by said company in violation of the Food and Drugs Act, in part on or about August 25, 1936, and in part on or about October 9, 1936, from the State of Oregon into the State of Idaho of quantities of canned cherries which were adulterated. The article was labeled in part: (Can) "Porto Standard * * * Red Sour Pitted Cherries Packed for Mason Ehrman & Co. Main Office Portland Oregon."

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

On June 23, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $50.

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

27606. Adulteration of canned tomatoes. U. S. v. 123 Cartons of Tomatoes. Default decree of condemnation and destruction. (F. & D. No. 39247. Sample Nos. 20105–C, 20160–C.)

Samples of this product were found to contain maggots.

On March 22, 1937, the United States attorney for the District of New Hampshire, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 125 cartons of tomatoes at Laconia, N. H., alleging that the article had been shipped in interstate commerce on or about October 9, 1936, by A. W. Sisk & Son from Federalsburg, Md., and charging adulteration in violation of the Food and Drugs Act. It was labeled in part: (Cans) "Pine Cone Brand Tomatoes * * * Albert W. Sisk & Son Distributors Preston and Aberdeen Maryland."

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

On June 22, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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