

filth resulting from worm infestation, and those taken from the remaining shipments contained both excessive mold and filth.

On or about November 14, 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 18 cases of tomato ketchup and 9 cartons of tomato juice at Detroit, Mich. On or about November 21, November 28, December 2, and December 14, 1936, libels were filed against 325 cartons of tomato ketchup and 105½ cartons of tomato puree at Pittsburgh, Pa., 34 cases of tomato puree at Atlanta, Ga., 42 cases of tomato catsup at Macon, Ga., and 74 cases of tomato ketchup and 42 cases of tomato puree at Chicago, Ill. The libels alleged that the articles had been shipped in interstate commerce between the dates of September 4 and November 5, 1936, by Hirsch Bros. & Co., Inc., from Louisville, Ky., and that they were adulterated in violation of the Food and Drugs Act. The articles were labeled in part: "Paramount Tomato Ketchup [or "Paramount Oyster Hot Tomato Ketchup", "Paramount Tomato Puree", "Everready Brand Tomato Puree", "Everready Brand Tomato Ketchup", or "Hirsch's Fresh Tomato Juice"] * * * Hirsch Bros. & Co., Incorporated Louisville, Ky. and Pittsburgh, Pa."

The articles were alleged to be adulterated in that portions thereof consisted in whole or in part of a filthy and decomposed vegetable substance and portions consisted in whole or in part of a filthy vegetable substance.

On February 20, March 10, March 11, March 18, and May 6, 1937, Hirsch Bros. & Co., Inc., claimant for the lots seized at Pittsburgh, having consented to their destruction and no claim having been entered in the remaining cases, judgments of condemnation were entered and the products were ordered destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

27065. Adulteration of walnut meats. U. S. v. 56 Cartons of Walnut Meats. Consent decree of condemnation. Product released under bond. (F. & D. no. 38729. Sample no. 23877-C.)

This case involved walnut meats that were in part moldy and worm-eaten. On December 1, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 56 cartons of walnut meats at Seattle, Wash., alleging that they had been shipped in interstate commerce on or about October 31, 1936, by the Herman C. Fisher Co., from San Francisco, Calif., charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Shelled California Walnuts * * * Fisher's Excel Herman C. Fisher Co. San Francisco, Calif."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed vegetable substance.

On March 27, 1937, the Herman C. Fisher Co., having appeared as claimant, consent decree of condemnation was entered, and it was ordered that the product be released under bond conditioned that it should not be disposed of in violation of the law.

W. R. GREGG, *Acting Secretary of Agriculture.*

27066. Adulteration and misbranding of canned cherries. U. S. v. 50 Cases of Canned Cherries. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. no. 38736. Sample no. 19140-C.)

This product fell below the standard established by this Department for canned pitted cherries because of excessive pits and deficiency of sugar in the packing medium, and was not labeled to indicate that it was substandard.

On December 18, 1936, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 cases of canned cherries at Cheyenne, Wyo., alleging that they had been shipped in interstate commerce on or about September 12 and September 17, 1936, by the Pacific Fruit & Produce Co., from Salt Lake City, Utah, and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Kaysville Brand Red Sour Cherries Pitted Packed by Kaysville Canning Corporation Kaysville, Utah."

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

The article was alleged to be misbranded in that the statement "Red Sour Cherries Pitted", borne on the label, was false and misleading when applied to partially pitted red sour cherries. It was alleged to be misbranded further in that it fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food since it consisted of partially pitted water-pack red sour cherries and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it was below such standard and showing that it consisted of partially pitted water-pack red sour cherries.

On February 8, 1937, the Pacific Fruit & Produce Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered that the product be released under bond conditioned that it be relabeled in compliance with the law.

W. R. GREGG, *Acting Secretary of Agriculture.*

27067. Adulteration of apples. U. S. v. 30 Crates of Apples. Default decree of condemnation and destruction. (F. & D. no. 38742. Sample no. 26003-C.)

This product was contaminated with arsenic and lead.

On November 13, 1936, 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 30 crates of mixed apples at Chicago, Ill., alleging that they had been shipped in interstate commerce on or about November 8, 1936, by Hyman Doniger from Bangor, 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 and deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On December 29, 1936, no claimant having appeared, judgment of condemnation was entered, and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

27068. Adulteration of concentrated tomato. U. S. v. 36 Cases of Concentrated Tomato. Default decree of condemnation and destruction. (F. & D. no. 38781. Sample no. 25732-C.)

This product contained excessive mold.

On December 14, 1936, 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 36 cases of concentrated tomato at Chicago, Ill., alleging that it had been shipped in interstate commerce on or about November 10, 1936, by John S. Mitchell, Inc., from Sharpsville, Ind., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Concentrated Tomato * * * Liberty Bell Brand * * * Packed Expressly For R. Gerber & Co., Chicago, Ill. Guaranteed under all Food Laws Made in U. S. A."

It was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On January 27, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

27069. Adulteration of Brazil nuts. U. S. v. 27 Baskets of Brazil Nuts. Default decree of condemnation and destruction. (F. & D. no. 38785. Sample no. 23856-C.)

These nuts were moldy and rancid.

On December 10, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 27 baskets of Brazil nuts at Seattle, Wash., alleging that they had been shipped in interstate commerce on or about September 26, 1935, by General Food Sales Co., Inc., from Hoboken, N. J., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "King Cole Large Rite Brazil Nuts."

It was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On March 18, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*