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

On April 28, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

H. A. WALLACE, *Secretary of Agriculture.*

27317. Misbranding of canned cherries. U. S. v. 84 Cases of Canned Cherries. Decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 39239. Sample no. 41418–C.)

This product was substandard because it was water-packed. It was not labeled to indicate that it was substandard.

On March 19, 1937, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 84 cases of canned cherries at Emporia, Kans., alleging that they had been shipped in interstate commerce on or about August 11, 1936, by the Christopher Sales Co., from Kansas City, Mo., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Royal Brand Red Pitted Cherries * * * H. D. Olson & Sons, Successors to Wm. Craig Canning Co. Headquarters, Ogden, Utah."

It 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 fruit was water-packed, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On June 2, 1937, the Theo. Poehler Mercantile Co., of Topeka, Kans. having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond to be relabeled.

H. A. WALLACE, *Secretary of Agriculture.*

27318. Misbranding of canned tomatoes. U. S. v. 100 Cases and 50 Cases of Canned Tomatoes. Consent decrees of condemnation. Product released under bond to be relabeled. (F. & D. nos. 39281, 39282. Sample nos. 40963–C, 40964–C.)

These cases involved canned tomatoes that were substandard because they did not consist of whole or large pieces, and that were not labeled to indicate that they were substandard.

On March 25, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 150 cases of canned tomatoes at New York, N. Y., alleging that they had been shipped in interstate commerce on or about February 28, 1937, by the McKeon Canning Co., Inc., Burbank, Calif., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Red Head Brand Hand Packed Tomatoes with Puree from Trimmings. * * * Packed by McKeon Canning Co., Inc."

It 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 it did not consist of whole or large pieces, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On May 3, 1937, Groth & Nathan having appeared as claimant and having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond conditioned that it be relabeled.

H. A. WALLACE, *Secretary of Agriculture.*

27319. Misbranding of butter. U. S. v. 50 Cartons and 50 Cartons of Butter. Consent decree of condemnation. Product released under bond to be reconditioned. (F. & D. no. 39293. Sample nos. 29767–C, 29768–C.)

This case involved butter that was short weight.

On March 12, 1937, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 cartons of print butter and 50 cartons of roll butter at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about February 28, 1937, by Cloverleaf Creameries, Inc., from Decatur, Ind., and charging misbranding in