21661. Adulteration of crab meat. U. S. v. 1 Barrel of Crab Meat. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30785. Sample no. 37906–A.)

This case involved a shipment of crab meat that was found to contain filth.

On July 29, 1933, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying seizure and condemnation of one barrel of crab meat at Washington, D.C., alleging that the article had been shipped in interstate commerce on or about July 27, 1933, by Ballard Bros. Fish Co., from Exmore, Va., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy animal substance.

On October 18, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

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

21662. Adulteration and misbranding of canned cherries. U. S. v. 90 Cases of Canned Cherries. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30720. Sample no. 38567–A.)

This case involved an interstate shipment of a product which was represented to be canned pitted cherries but which was found to contain excessive pits.

On July 15, 1933, the United States attorney for the District of Nevada, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 90 cases of canned cherries at Boulder City, Nev., alleging that the article had been shipped in interstate commerce on or about February 13, 1933, by John Scowcroft Sons Co. from Ogden, Utah, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Utah Valley Brand Water Red Sour Pitted Cherries."

It was alleged in the libel that the article was adulterated in that partly pitted water-pack cherries had been substituted for pitted water-pack cherries.

Misbranding was alleged for the reason that the statement, "Red Pitted Cherries", borne on the label, was false and misleading and deceived and misled the purchaser when applied to partly pitted cherries.

On October 11, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

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

21663. Misbranding of canned cherries. U. S. v. 60 Cases of Canned Cherries. Default decree of condemnation and forfeiture. Product delivered to a charitable institution. (F. & D. no. 30642. Sample no. 42059–A.)

This action involved an interstate shipment of canned cherries in which the sugar solution of the liquid portion was below the standard established by this Department and which was not labeled to indicate that it was substandard.

On June 27, 1933, 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 60 cases of canned cherries at Denver, Colo., consigned by the Colorado Brokerage Co., alleging that the article had been shipped in interstate commerce on or about March 30, 1933, from Ogden, Utah, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Golden B Brand Pitted Royal Anne Cherries. Packed by Brigham City Canning Co., Brigham City, Utah."

It was alleged in the libel that the article was misbranded in that it fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, because its liquid portion read below 16 degrees Brix, 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.