tion of the Food and Drugs Act on or about October 12, 1937, from the State of Montana into the State of Washington of a quantity of butter that was adulterated.

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 June 27, 1938, a plea of guilty having been entered by the defendant, the court imposed a fine of $5.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29147. Misbranding of canned tomatoes. U. S. v. 96 Cases of Canned Tomatoes. Default decree of condemnation. Product delivered to a charitable institution. (F. & D. No. 40338. Sample No. 2663–C.)

This product was substandard because the fruit did not consist of whole or large pieces, was not normally colored, and it was not labeled to indicate that it was substandard.

On or about September 20, 1937, the United States attorney for the Middle District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 96 cases of canned tomatoes at Clanton, Ala.; alleging that the article had been shipped in interstate commerce on or about July 15, 1937, by the Palmetto Canning Co. from Pelham, Ga.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Palmalito Hand Packed Tomatoes * * * Packed by Palmetto Canning Co., * * * Palmetto, Florida."

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 did not consist of whole or large pieces and was not normally colored, 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 June 8, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29148. Adulteration of walnut meats. U. S. v. 20 Cartons of Shelled Walnuts. Default decree of condemnation and destruction. (F. & D. No. 42304. Sample No. 18013–D.)

This product was moldy, rancid, and insect-infested.

On May 5, 1938, 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 a libel praying seizure and condemnation of 20 cartons of shelled walnuts at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about April 9, 1938, from Oakland, Calif., by the National Nut Co.; 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 and decomposed vegetable substance.

On May 26, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29149. Adulteration of shelled pecans. U. S. v. 34 Cases of Shelled Pecans. Default decree of condemnation and destruction. (F. & D. No. 42337. Sample No. 24493–D.)

A portion of this product was rancid and decomposed.

On May 9, 1938, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 34 cases of shelled pecans at St. Louis, Mo.; alleging that the article had been shipped in interstate commerce on various dates between November 5, 1937, and February 12, 1938, from San Antonio, Tex., by the Texas Pecan Products Co.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Select shelled pecans brown sweets packed by Hofmann Bros Company St Louis."

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

On June 8, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*