

On April 19, 1934, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 22 cases of canned cherries at San Francisco, Calif., alleging that the article had been shipped in interstate commerce, from Portland, Oreg., on or about March 16, 1934, by the Eugene Fruit Growers Association, of Eugene, Oreg., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Above par brand \* \* \* Water Pack Red Sour Pitted Cherries."

The article 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, because it consisted of partially pitted cherries, 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.

On November 1, 1934, no claimant having appeared, judgment of condemnation was entered and destruction of the product was ordered.

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

**23165. Adulteration of butter. U. S. v. 4 Tubs of Butter. Default decree of condemnation and destruction.** (F. & D. no. 32628. Sample no. 47762-A.)

This case involved a shipment of butter that contained less than 80 percent of milk fat.

On March 3, 1934, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of four tubs of butter at San Francisco, Calif., consigned by the Omaha Cold Storage Co., Omaha, Nebr., alleging that the article had been shipped in interstate commerce, on or about January 31, 1934, from Omaha, Nebr., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat.

On November 1, 1934, no claimant having appeared, judgment of condemnation was entered and destruction of the product was ordered.

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

**23166. Adulteration of butter. U. S. v. 2 Barrels, et al., of Butter. Default decrees of destruction.** (F. & D. nos. 32640, 32641, 32647. Sample nos. 52402-A, 52403-A, 52404-A, 69046-A.)

These cases involved interstate shipments of butter that was found to contain filth.

On March 24, March 30, and April 3, 1934, the United States attorney for the Western District of Missouri, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of several barrels or tubs, containing approximately 1,323 pounds of butter, at Kansas City Mo., alleging that the article had been shipped in interstate commerce, in part on or about March 5, 1934, and in part on or about March 16, 1934, by J. O. Thompson, from Iola, Kans., 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, decomposed, and putrid animal substance.

On November 27, 1934, no claimant having appeared, judgments were entered ordering the product destroyed.

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

**23167. Misbranding of peanut butter. U. S. v. 7¾ Cases and 19½ Dozen Jars of Peanut Butter. Default decree of condemnation. Product ordered delivered to charitable organizations, or destroyed.** (F. & D. no. 32720. Sample nos. 67975-A, 67976-A.)

Sample jars of peanut butter taken from the two lots involved in this case were found to contain less than the weight declared on the label. One lot was labeled to convey the misleading impression that it was packed by a firm other than the actual packer.

On May 18, 1934, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 7¾ cases and 19½ dozen jars of peanut butter at Scranton, Pa., alleging that the article