25708. Adulteration of cheese. U. S. v. 100 Cases of Cheese. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 36851. Sample no. 55402–B.)

This product contained portions of flies.

On December 26, 1935, 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 a quantity of cheese at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about November 8, 1935, by the Badger Brodhead Cheese Co., from Monroe, Wis., to Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Case) "Badger Brand Limberger Cheese With That Old Fashioned Flavor American Style."

Adulteration of the product was charged under the allegation that it consisted in whole or in part of a filthy animal substance.

On March 2, 1936, no claimant having appeared, a default decree of condemnation, forfeiture, and destruction was entered.

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

25709. Adulteration and misbranding of strawberry and raspberry preserves. U. S. v. 30 Dozen Jars of Strawberry Preserves and 20 Dozen Jars of Raspberry Preserves. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 36854. Sample nos. 44120–B, 44121–B.)

These products were deficient in fruit and contained added pectin.

On December 23, 1935, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of quantities of strawberry and raspberry preserves at Fall River, Mass., alleging that the articles had been shipped in interstate commerce, on or about November 4, 1935, by the Velmo Co., from New York, N. Y., into the State of Massachusetts and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part: (Jars) "Velmo Brand Pure Preserves Strawberry [or "Raspberry"]."

Adulteration of each of the articles was charged (a) under the allegation that a mixture of sugar, water, and pectin had been mixed and packed therewith so as to reduce, lower, or affect its quality; (b) under the allegation that a mixture of fruit, sugar, pectin, and moisture, containing less fruit than preserve, had been substituted for preserve; (c) under the allegation that a mixture of sugar, water, and pectin had been mixed therewith in a manner whereby inferiority was concealed.

Misbranding of the articles was charged (a) under the allegation that the statement on the label, to wit, "Pure Preserves Strawberry" or "Pure Preserves Raspberry", as the case might be, was false and misleading and tended to deceive and mislead the purchaser when applied to a product resembling a preserve but which contained less fruit than preserve; (b) under the allegation that each of the articles was an imitation and was offered for sale under the distinctive name of another article.

On March 30, 1936, no claimant having appeared, a default decree of condemnation, forfeiture, and destruction was entered.

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

25710. Adulteration and misbranding of strawberry and raspberry preserves. U. S. v. 8 Cartons of Strawberry Preserves and 8 Cartons of Raspberry Preserves, and another libel proceeding against the same products. Default decree of condemnation, forfeiture, and destruction in each case. (F. & D. nos. 36855, 36888. Sample nos. 44122–B to 44125–B, incl., 44130–B, 44131–B.)

These products were deficient in fruit and contained added pectin and water. The strawberry preserves also contained added acid.

On December 23 and December 27, 1935, the United States attorney for the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in the district court on each of said dates, a libel praying seizure and condemnation of a quantity of strawberry and raspberry preserves at Fall River, Mass., alleging that the articles had been shipped in interstate commerce, on or about October 5 and November 15, 1935, by the Ile de France Import Co., Inc., from Brooklyn, N. Y., into the State of Massachusetts, and charging adulteration and misbranding in violation of the Food and Drugs Act. The two articles were labeled: (Jars) "Unexcelled Quality * * * Paramount Brand Pure Strawberry [or "Raspberry"] Preserves Ile de France Import Co. N. Y."

Adulteration of each of the strawberry preserves was charged (a) under the allegation that a mixtue of sugar, acid, water, and pectin had been mixed therewith so as to reduce, lower, or affect their quality; (b) under the allegation that a mixture of fruit, sugar, acid, pectin, and moisture containing less fruit than preserve should contain had been substituted for preserve; (c) and under the allegation that a mixture of sugar, acid, water, and pectin had been mixed with the article in a manner whereby inferiority was concealed. Adulteration of the raspberry preserves was charged under allegations which differed from the foregoing only in that acid was not alleged to be an ingredient of the product.

Misbranding of the two articles was charged (a) under the allegations that the statements on the labels, "Pure Strawberry Preserves" and "Pure Raspberry Preserves", respectively, were false and misleading and tended to deceive and mislead the purchaser when applied to articles resembling preserves but containing less fruit than preserves contain; (b) under the allegation that the articles were imitations of and were offered for sale under the distinctive names of other articles.

On March 16 and March 30, 1936, no claimant having appeared, default decrees of condemnation, forfeiture, and destruction were entered.

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

25711. Adulteration of cheese. U. S. v. 4 Cases of Limburger cheese, and another libel proceeding against the same product. Default decree of condemnation, forfeiture, and destruction in each case. (F. & D. nos. 36857, 36903. Sample nos. 19083-B, 55401-B.)

This product contained portions of flies and nondescript dirt.

On December 26, 1935, and January 6, 1936, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of quantities of Limburger cheese at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about December 6 and December 7, 1935, by the Shefford Cheese Co., from Monroe, Wis., into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Case) "Shefford Cheese Limburger."

Adulteration of the product was charged under the allegation that it consisted in whole or in part of a filthy animal substance.

On February 28, 1936, no claimant having appeared in either case, a default decree of condemnation, forfeiture, and destruction was entered in each.

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

25712. Misbranding of canned peas. U. S. v. 202 Cases and 78 Cases of Canned Peas. Default decrees of condemnation. Portion of product delivered to charitable institution; remainder destroyed. (F. & D. nos. 36873, 36878. Sample nos. 50463-B, 50538-B.)

These cases involved interstate shipments of canned peas which were substandard because of the presence of an excessive number of mature peas, and which were not labeled to indicate that they were substandard.

On December 26, 1935, the United States attorneys for the Districts of Connecticut and New Jersey, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 202 cases of canned peas at New Haven, Conn., and 78 cases of canned peas at Newark, N. J., alleging that the article had been shipped in interstate commerce by the Hillsboro Queen Anne Cooperative Corporation, in part from Lewes, Del., on or about October 9, 1935, and in part from Queen Anne, Md., on or about November 6, 1935, and charging misbranding in violation of the Food and Drugs Act as amended. A portion of the article was labeled: "Ma-Son June Peas * * * The Stevenson-Mairs Co. Distributors, Baltimore, Md." The remainder was labeled: "Pride of Hillsboro Brand Early June Peas * * * Distributed by the Easton Canning Corporation, Hillsboro, Md., Easton, Md."

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 of the presence of an excessive number of mature peas, 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.

No claimant appeared. On June 15 and July 24, 1936, judgments of condemnation were entered. The lot seized at New Haven, Conn., was ordered de-