

On February 17, 1937, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 386 cases of canned cherries at Scottsbluff, Nebr., alleging that they had been shipped in interstate commerce on or about October 6, 1936, by the Delta Canning Co., from Delta, Colo., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Cans) "Town Talk Water Pack R. S. P. Cherries Contents * * * Packed for The Stone-Hall Co. Denver, Colo."

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 more than one cherry pit per 10 ounces of net contents was present, 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 April 3, 1937, the Delta County Canning Co. having appeared as claimant and having consented to the entry of the decree, judgment of condemnation was entered and it was ordered that the product be released under bond to be relabeled under the supervision of this Department.

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

27186. Adulteration of almonds. U. S. v. 20 Bags of Almonds. Consent decree of condemnation. Product released under bond for salvaging. (F. & D. no. 39097. Sample nos. 14184-C, 25568-C.)

This product was in part worm-eaten and moldy.

On February 18, 1937, 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 20 bags of almonds at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about November 25, 1936, by Bashaw & Co. from San Francisco, Calif., and charging adulteration in violation of the Food and Drugs Act. It was labeled in part: "Tip Top Brand California Almonds Bashaw Co. Packers San Francisco."

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

On April 21, 1937, Bashaw & Co. having appeared as claimant and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond to be salvaged.

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

27187. Adulteration of canned prunes. U. S. v. 136½ Cases of Canned Prunes. Default decree of condemnation and destruction. (F. & D. no. 39136. Sample no. 31135-C.)

These prunes were partially decomposed.

On February 26, 1937, 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 136½ cases of canned prunes at Denver, Colo., consigned by Paulus Bros. Packing Co., alleging that the article had been shipped in interstate commerce on or about October 3, 1936, from Salem, Oreg., and charging adulteration in violation of the Food and Drugs Act. It was labeled in part: (Cans) "Jordan Brand Water Packed Italian Prunes * * * Packed for The J. S. Brown Mercantile Co."

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

On May 1, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

27188. Adulteration of tomato catsup. U. S. v. 25 Cases and 50 Cases of Tomato Catsup. Default decrees of condemnation and destruction. (F. & D. nos. 39147, 39212. Sample nos. 10487-C, 40961-C.)

This product contained filth resulting from worm infestation.

On March 1 and March 16, 1937, the United States attorney for the Southern District of Texas, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 75 cases of tomato catsup at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about February 17 and 27, 1937, by Parrot & Co., from Los Angeles, Calif., and charging adulteration in violation of the Food and Drugs Act. It was labeled in part: (Bottle) "California Club Brand Pure Tomato Catsup Kern Food Products, Inc., Los Angeles, California."