

It was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, which it purported to be.

The article was alleged to be misbranded in that it was sold as and purported to be butter, whereas it was not butter since it contained less than 80 percent of milk fat.

On June 1, 1937, Stanley Duncan and George Powell, trading as Liberty Creamery Co., claimants, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released to claimants under bond conditioned that it be reworked to the legal standard.

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

**27686. Adulteration and misbranding of fruit juices. U. S. v. Twenty-two 12-Ounce Bottles of Lemon Juice, et al. Default decree of condemnation.** (F. & D. No. 39671. Sample Nos. 20637-C to 20642-C, incl.)

These products were labeled to convey the impression that they were fruit juices. Examination showed that they consisted of acid, diluted citrus juices, citrus-peel oil, benzoate of soda, and in the case of the lemon and lime varieties, artificial color.

On June 1, 1937, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 176 various-sized bottles of lemon, lime, and orange juices at Pawtucket, R. I., alleging that the articles had been shipped in interstate commerce between the dates of October 25, 1935, and March 31, 1937, by Delco Products, Inc., from Fall River, Mass., and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were variously labeled in part as follows: (Bottles) "Delco Lemon [or "Lime" or "Orange"] A Mixture for Drinks or Foods requiring Lemon [or "Lime" or "Orange"] Juice. Delco Products Inc. Fall River, Mass."

They were alleged to be adulterated in that imitation fruit juices consisting of acid, diluted citrus juices, citrus-peel oil, benzoate of soda, and in the case of the lemon and lime juices, artificial color, had been mixed and packed with them so as to reduce and lower their quality or strength and had been substituted wholly or in part for lemon, or lime, or orange juices, which they purported to be. They were alleged to be adulterated further in that they had been mixed and—in the case of the lemon and lime—had been artificially colored in a manner whereby inferiority was concealed.

The articles were alleged to be misbranded in that the following statements were false and misleading and tended to deceive and mislead the purchaser when applied to imitation fruit juices, "Lemon [or "Lime" or "Orange"] Juice"; and in that they were imitations of other articles, namely, fruit juices.

On June 28, 1937, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

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

**27687. Misbranding of canned cherries. U. S. v. 135 Cases and 175 Cases of Canned Cherries. Decrees of condemnation. Product released under bond.** (F. & D. Nos. 39682, 39683. Sample Nos. 41495-C, 41497-C.)

This product was substandard because the cherries were packed in water and it was not labeled to indicate that it was substandard.

On June 8, 1937, the United States attorney for the District of Kansas, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 310 cases of canned cherries at Wichita, Kans., alleging that the article had been shipped in interstate commerce on or about August 11 and August 21, 1936, by the Smith Canning Co. from Brigham, Utah, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Cans) "Smith Brand Pitted Red Sour Cherries Distributed by Smith Canning Co. Clearfield, Utah—Athena, Oregon."

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 cherries were packed in water, and its label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard.

On June 24, 1937, Ranney-Davis Merc. Co., Wichita, Kans., claimant, having admitted the allegations of the libels, judgments of condemnation were entered