

On August 27, 1937, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 197½ cases of canned cherries at Richmond, Va., alleging that the article had been shipped in interstate commerce on or about July 8, 1937, by the Orrtanna Canning Co. from Orrtanna, Pa., and charging misbranding in violation of the Food and Drugs Act. One lot was labeled: (Can) "Pocahontas Brand Red Sour Pitted Cherries \* \* \* Packed for H. P. Taylor Jr, Inc. Sole Distributors Richmond, Va." The other lot was unlabeled but was invoiced "R. S. P. 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, since there was present in both lots more than one cherry pit per 10 ounces of net contents and the cherries in one lot were packed in water; and the package or label did not bear a plain and conspicuous statement prescribed by the regulations of this Department indicating that it fell below such standard.

On September 21, 1937, the Orrtanna Canning Co., Orrtanna, Pa., having appeared as claimant and having admitted the allegations of the libel, judgment was entered ordering that the product be released to the claimant under bond conditioned that it be relabeled in compliance with the law.

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

**27812. Adulteration and misbranding of butter. U. S. v. 36 Cubes of Butter. Decree of condemnation. Product released under bond. (F. & D. No. 40209. Sample No. 39046-C.)**

This product contained less than 80 percent of milk fat.

On August 2, 1937, 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 36 cubes of butter at San Francisco, Calif., alleging that it had been shipped in interstate commerce on or about July 27, 1937, by the Lander Creamery Co. from Rawlins, Wyo., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Lander Creamery Co Primrose Ice Cream Butter."

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, a product which should contain not less than 80 percent of milk fat.

The article was alleged to be misbranded in that the statement "Butter" was false and misleading and deceived the purchaser since it contained less than 80 percent of milk fat.

On August 13, 1937, Bennett & Layton, Inc., San Francisco, Calif., having appeared as claimant, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be reworked to the legal standard.

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

**27813. Misbranding of canned tomatoes. U. S. v. 198 Cases of Tomatoes. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 40215. Sample No. 44037-C.)**

This product fell below the standard for canned tomatoes established by this Department because it was not normally colored, and it was not labeled to indicate that it was substandard. It also was falsely labeled as to the name of the packer and place of manufacture.

On or about September 8, 1937, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 198 cases of canned tomatoes at Jacksonville, Fla., alleging that the article had been shipped in interstate commerce on or about July 21, 1937, by the Pomona Products Co. from Adel, Ga., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Royal King Brand Tomatoes \* \* \* Packed by Holloway Canning Co. Ft. Pierce, Florida."

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 since the tomatoes were not normally colored, and the label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard. Misbranding was alleged for the further reason that the statement, "Packed By Holloway Canning Co. Ft. Pierce, Florida," was

false and misleading and tended to deceive and mislead the purchaser when applied to tomatoes that were not packed in Florida and that were not packed by the Holloway Canning Co.

On September 16, 1937, the Pomona Products Co. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be properly relabeled.

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

**27814. Adulteration of shell eggs. U. S. v. 2 Cases of Eggs. Default decree of condemnation and destruction.** (F. & D. No. 40222. Sample No. 35746-C.)

Samples of this product were found to be decomposed.

On August 28, 1937, 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 two cases of eggs at Oakland, Calif., alleging that they had been shipped in interstate commerce on or about August 21, 1937, by Idaho Falls Poultry Co. from Idaho Falls, Idaho, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Case) "Idaho Falls Poultry Co. Idaho Falls, Idaho \* \* \* Bloods Not For Human Use."

It was alleged to be adulterated in that it consisted wholly or in part of a decomposed or putrid animal substance.

On September 14, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

**27815. Adulteration of blueberries. U. S. v. 5 Crates (and 4 other seizures) of Blueberries. Default decrees of condemnation and destruction.** (F. & D. Nos. 40232, 40233, 40241, 40242, 40283. Sample Nos. 38521-C, 38568-C, 38576-C, 38577-C, 38582-C, 38584-C.)

Samples of this product were found to be infested with maggots.

On August 20, 23, and 27, 1937, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 26 crates of blueberries at New York, N. Y., alleging that the article had been shipped in interstate commerce in various shipments from August 17 to August 24, 1937, by W. B. Blaisdell & Co., and M. P. Noyes from Franklin, Maine; Alex Wallenius from Union, Maine; and Herbert Farren from Cherryfield, Maine, 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, or putrid vegetable substance.

On September 3 and 13, 1937, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

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

**27816. Adulteration of blueberries. U. S. v. 6 Crates of Blueberries. Default decree of forfeiture and destruction.** (F. & D. No. 40234. Sample No. 54786-C.)

This product contained maggots.

On August 25, 1937, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court an information praying seizure and condemnation of six crates of blueberries at Boston, Mass., consigned August 24, 1937, alleging that the article had been shipped by Myron C. Carter from North Sedgwick, Maine, and charging adulteration in violation of the Food and Drugs Act.

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

On October 4, 1937, no claimant having appeared, judgment of forfeiture was entered and the product was ordered destroyed.

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

**27817. Adulteration of butter. U. S. v. 42 Boxes of Butter. Decree of condemnation. Product released under bond.** (F. & D. No. 40236. Sample No. 54617-C.)

This product contained less than 80 percent of milk fat.

On August 23, 1937, 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 42 boxes of butter at Springfield, Mass., consigned about August 9, 1937, alleging that the article had been