

27857. Adulteration of huckleberries. U. S. v. 29 Crates of Huckleberries. Default decree of condemnation and destruction. (F. & D. No. 40105. Sample No. 67436-C.)

This product was infested with maggots.

On July 31, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 29 crates of huckleberries at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about July 29, 1937, by Charles Nutall from Sharptown, Md., 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 or decomposed vegetable substance.

On August 30, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

27858. Adulteration of huckleberries. U. S. v. 11 Crates of Huckleberries. Default decree of condemnation and destruction. (F. & D. No. 40106. Sample No. 67444-C.)

This product was infested with maggots.

On August 5, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 11 crates of huckleberries at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about August 4, 1937, by O. G. Williamson from Federalsburg, Md., 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 August 30, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed, the crates to be returned to the shipper.

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

27859. Misbranding of canned tomatoes. U. S. v. 600 Cases of Canned Tomatoes. Decree of condemnation. Product released under bond for relabeling. (F. & D. No. 40128. Sample Nos. 43607-C, 43611-C.)

This product fell below the standard for canned tomatoes since it was not normally colored, and it was not labeled to indicate that it was substandard.

On or about August 16, 1937, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 600 cases of canned tomatoes at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about July 17, 1937, by Apte Bros. from Ridgeland, S. C., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled: "Lord Fairfax Brand Tomatoes * * * Apte Brothers Canning Company * * * Main Office Miami, Fla."

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 it was not normally colored, 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 October 4, 1937, judgment of condemnation was entered, and it was ordered that the product be released to the claimant under bond conditioned that it be relabeled under the supervision of this Department.

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

27860. Adulteration of blueberries. U. S. v. 5 Crates of Blueberries. Default decree of condemnation and destruction. (F. & D. No. 40134. Sample No. 46541-C.)

This product was infested with maggots.

On August 10, 1937, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of five crates of blueberries at Buffalo, N. Y., alleging that the article had been shipped in interstate commerce on or about August 4, 1937, by R. M. Wilson from Cherryfield, Maine, and charging adulteration in violation of the Food and Drugs Act.