

district court an information against the Kraft-Phenix Cheese Corporation, trading at Water Valley, Miss., alleging shipment by the said corporation in violation of the Food and Drugs Act on or about September 29, 1936, from the State of Mississippi into the State of Louisiana of a quantity of butter which was misbranded. It was labeled: (Cases) "1-Lb. Prints"; (cartons) "Elkhorn Pure Creamery Butter Kraft-Phenix Cheese Corporation Atlanta Chicago One Pound Net Weight."

The article was alleged to be misbranded in that the statements "1-Lb. Prints," borne on the cases, and "One Pound Net Weight," borne on the cartons, were false and misleading, and in that the article was labeled so as to deceive and mislead the purchaser, since each of the cartons did not contain 1 pound of the article, but did contain a less amount. It was alleged to be misbranded further in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 6, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$50.

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

28223. Misbranding of canned tomatoes. U. S. v. 2,000 Cases, 1,500 Cases, and 1,000 Cases of Canned Tomatoes. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. No. 40517. Sample Nos. 48230-C, 48231-C, 48232-C, 48531-C, 48532-C.)

This product was substandard because the tomatoes were not normally colored, and it was not labeled to indicate that it was substandard.

On October 19, 1937, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 4,500 cases of canned tomatoes at Baltimore, Md., alleging that the article had been shipped in interstate commerce variously on or about August 30, and September 1 and 6, 1937, from Walnut Point, Va., by A. J. Lewis, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Red-Glo Tomatoes * * * Albert W. Sisk & Son Distributors—Not Manufacturers Preston and Aberdeen Maryland, U. S. A."

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 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 November 9, 1937, A. J. Lewis having appeared as claimant, judgment of condemnation was entered and the product was ordered released to the claimant under bond conditioned that it be relabeled.

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

28224. Adulteration of candy. U. S. v. 48 Boxes of Candy. Default decree of condemnation and destruction. (F. & D. No. 40513. Sample No. 53391-C.)

This product was infested with insects.

On October 19, 1937, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 48 boxes of candy at Birmingham, Ala., alleging that the article had been shipped in interstate commerce on or about June 24, 1937, from New Orleans, La., by Pelican State Candy Co., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Pelican Brand Candies * * * Manufactured by Pelican State Candy Co. New Orleans, La."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On November 26, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

28225. Adulteration of frozen strawberries. U. S. v. Ten Barrels of Frozen Strawberries. Default decree of condemnation and destruction. (F. & D. No. 40481. Sample No. 63401-C.)

This product contained excessive mold.

On October 13, 1937, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 barrels of frozen strawberries at Seattle, Wash., alleging that the article had been shipped in

interstate commerce on or about October 4, 1937, from Portland, Oreg., by Terminal Ice & Cold Storage Co., 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 decomposed vegetable substance.

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

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

28226. Adulteration of canned cherries. U. S. v. 72 Cases of Cherries. Consent decree of condemnation and destruction. (F. & D. No. 40476. Sample No. 49513-C.)

This product was infested with maggots.

On October 13, 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 72 cases of canned cherries at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about August 10, 1937, from Salem, Oreg., by Oregon Fruit Products Co., and charging adulteration in violation of the Food and Drugs Act.

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

On November 20, 1937, Salem Cherry Growers Association, Salem, Oreg., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

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

28227. Adulteration of candy. U. S. v. 19 Boxes and 24 Boxes of Candy. Default decree of condemnation and destruction. (F. & D. Nos. 40520, 40521. Sample Nos. 61108-C, 61112-C.)

These products were insect-infested.

On October 19, 1937, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 43 boxes of candy at Birmingham, Ala., alleging that the articles had been shipped in interstate commerce, in part on or about August 23, 1937, from New Orleans, La., by the Joan Candy Co., and in part on or about August 27, 1937, from Meridian, Miss., by the Rogers Candy Co., and charging adulteration in violation of the Food and Drugs Act. The articles were labeled in part respectively: "1c Cream Cones Joan Candy Co. New Orleans, La."; "Rogers Jumbo Brand Peanut and Cocoanut Bars * * * Rogers Candy Company * * * Meridian."

They were alleged to be adulterated in that they consisted wholly or in part of filthy vegetable substances.

On November 26, 1937, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

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

28228. Adulteration of butter. U. S. v. 18 Cubes and 20 Cubes of Butter. Consent decree of condemnation. Product released under bond for reworking. (F. & D. Nos. 40550, 40552. Sample Nos. 54761-C, 54769-C.)

This product contained less than 80 percent of milk fat.

On October 4 and 8, 1937, the United States attorney for the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 38 cubes of butter at Springfield, Mass., shipped on or about September 21 and 30, 1937, alleging that the article had been shipped in interstate commerce from Omaha, Nebr., by the Harding Cream Co., and charging adulteration in violation of the Food and Drugs Act.

The article 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 the article purported to be—the act of March 4, 1923, providing that butter shall contain not less than 80 percent by weight of milk fat.

On November 1, 1937, the Harding Cream Co., Omaha, Nebr., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under cash bond conditioned that it be reworked to contain at least 80 percent by weight of milk fat.

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