

On April 30, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

**28832. Misbranding of canned cherries. U. S. v. 21 Cartons of Canned Cherries. Consent decree of condemnation. Products released under bond. (F. & D. No. 41680. Sample No. 15141-D.)**

This product fell below the standard established by this Department because it contained an excessive number of pits, and it was not labeled to indicate that it was substandard.

On February 10, 1938, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 21 cartons of canned cherries at Twin Falls, Idaho, alleging that the article had been shipped in interstate commerce on or about August 10, 1937, by Pacific Fruit & Produce Co. from Seattle, Wash., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Garden Brand \* \* \* Red Sour Pitted Cherries \* \* \* Packed for International Brokerage Co. Seattle—Minneapolis."

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 more than 1 cherry pit per 20 ounces of net contents, and the package or label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that such canned food fell below such standard.

On March 8, 1938, the Valley Fruit Canning Co., Seattle, Wash., claimant, having consented to the entry of a decree, the product was ordered released under bond conditioned that it not be disposed of contrary to law.

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

**28833. Adulteration of shrimp. U. S. v. 21 Blocks of Frozen Shrimp. Default decree of condemnation and destruction. (F. & D. No. 42172. Sample No. 12923-D.)**

This product was wholly or in part decomposed.

On April 5, 1938, the United States attorney for the Southern 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 twenty-one 10-pound blocks of frozen shrimp at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about March 3, 1938, by Ed Martin Sea Food Co. from Westwego, La., 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 decomposed animal substance.

On April 23, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

**28834. Misbranding of butter. U. S. v. 359 Cases of Butter. Decree of condemnation. Product released under bond. (F. & D. No. 42040. Sample No. 3243-D.)**

This product was short weight.

On March 11, 1938, 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 359 cases of butter at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about March 3, 1938, by Interstate Associated Creameries from Portland, Oreg., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Red Ribbon Pasteurized Fancy Creamery Butter \* \* \* Manufactured for Leslie Company Ltd. San Francisco, Calif."

The article was alleged to be misbranded in that the statement "Net Weight 1 Pound" was false and misleading since it contained less than this quantity; and 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 since the quantity stated was not correct.

On March 16, 1938, Purity Stores, Ltd., having appeared as claimant, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it not be disposed of contrary to law.

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