

labeled in part: "Leota Brand Pitted Red Sour Cherries * * * Contents 1 Lb. 2 Oz. Varney Canning Co. Ogden Utah."

It was alleged to be misbranded in that the statement "Contents 1 Lb. 2 Oz." was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short weight; 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 June 2, 1938, the Kearney Grocery Co., Kearney, Nebr., and William Varney Canning Co., claimants, having consented to the entry of a decree, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be relabeled under the supervision of this Department.

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

29111. Adulteration of canned cherries. U. S. v. 90 Cases of Cherries. Default decree of destruction. (F. & D. No. 42130. Sample Nos. 16986-D, 16994-D.)

Samples of this product were found to contain maggots.

On April 7, 1938, 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 90 cases of canned cherries at Richmond, Va.; alleging that the article had been shipped in interstate commerce on or about December 31, 1937, from Portland, Oreg., by the Walla Walla Canning Co.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Home Spun Brand Royal Anne Cherries * * * Phillips-Lewis Co., Inc. Distributors, Richmond."

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

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

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

29112. Adulteration and misbranding of frozen egg yolks. U. S. v. 35 Cans of A-1 Yolks. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 42154. Sample No. 8113-D.)

This product contained added egg white.

On April 9, 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 35 cans of egg yolks at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about December 1, 1937, from Detroit, Mich., by Frigid Food Products, Inc.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Frigid Food Products, Inc. * * * Detroit, Mich. * * * Yolks."

It was alleged to be adulterated in that a mixture of egg yolks and egg white had been substituted wholly or in part for egg yolks, which it purported to be.

It was alleged to be misbranded in that the statement "Yolks" was false and misleading and tended to deceive and mislead the purchaser when applied to an article that contained added egg white.

On May 28, 1938, Frigid Food Products, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled.

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

29113. Misbranding of canned blueberries. U. S. v. 200 Cases of Canned Blueberries. Consent decree of condemnation. Product released under bond to be correctly relabeled. (F. & D. No. 41581. Sample Nos. 7593-D, 7611-D.)

This product was short weight.

On or about February 2, 1938, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 200 cases of canned blueberries at New Haven, Conn.; alleging that the article had been shipped in interstate commerce on or about October 27, 1937, by the Sargentville Packing Co., from Ellsworth, Maine; and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Gold Coin Brand Blueberries Contents 6 Lbs. 12 Oz. * * * Packed by Sargentville Packing Co. Sargentville, Maine."

It was alleged to be misbranded in that the statement "Contents 6 Lbs. 12 Oz." was false and misleading and tended to deceive and mislead the purchaser since it was short weight; and in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package since the quantity stated was not correct.

On June 27, 1938, the Sargentville Packing Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be correctly relabeled under the supervision of this Department.

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

29114. Adulteration of crab meat. U. S. v. Winstead-Bloxom-Jones Co., Inc. Plea of nolo contendere. Fine, \$40 and costs. (F. & D. No. 38623. Sample Nos. 4868-B, 27774-B, 7501-C, 7858-C, 7927-C.)

This product contained evidence of the presence of filth.

On April 14, 1938, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Winstead-Bloxom-Jones Co., Inc., a corporation, Newport News, Va.; alleging shipment by said defendant in violation of the Food and Drugs Act on or about August 27, 1934, July 2, 1935, and July 7, 13, and 20, 1936, from the State of Virginia into the District of Columbia of quantities of crab meat which was adulterated.

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

On May 12, 1938, a plea of nolo contendere having been entered in behalf of the defendant, the court imposed a fine of \$40 and costs on the first count and suspended imposition of penalty on the remaining counts.

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

29115. Adulteration of crab meat. U. S. v. G. T. Elliott, Inc. Plea of nolo contende Fine, \$40 and costs. (F. & D. No. 38635. Sample Nos. 4905-B, 39372-B, 39912-B, 7856-C.)

This product contained evidence of the presence of filth.

On April 14, 1938, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court an information against G. T. Elliott, Inc., Hampton, Va.; alleging shipment by said defendant in violation of the Food and Drugs Act on or about July 31, 1934, July 9 and 16, 1935, and July 20, 1936, from the State of Virginia into the States of Ohio, Pennsylvania, and Maryland and the District of Columbia, of quantities of crab meat which was adulterated. A portion of the article was labeled in part: "From G. T. Elliott, Inc. Hampton, Va."

The article was alleged to be adulterated in that it consisted in part of a filthy animal substance, fecal *Bacillus coli*.

On May 12, 1938, a plea of nolo contendere having been entered in behalf of the defendant, the court imposed a fine of \$40 and costs on the first count and suspended imposition of penalty on the remaining three counts.

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

29116. Adulteration of spinach. U. S. v. 600 Baskets of Spinach. Consent decree of condemnation and destruction. (F. & D. No. 42141. Sample No. 17079-D.)

This product was infested with aphids.

On April 6, 1938, 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 600 baskets of spinach at Baltimore, Md.; alleging that the article had been shipped in interstate commerce on or about April 5, 1938, from Norfolk, Va., by the Commercial Produce 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 filthy vegetable substance.

On May 4, 1938, the Commercial Products Co., 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.*