

Act. The article was labeled in part: "P. J. Star * * * Manufactured for Plunkett Jarrel Grocer Company."

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

On September 24, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

29615. Adulteration of flour. U. S. v. 42 Sacks of Flour. Default decree of condemnation and destruction. (F. & D. No. 43766. Sample No. 38459-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to be insect-infested.

On September 8, 1938, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 42 sacks of flour at Little Rock, Ark.; alleging that the article had been shipped on or about June 24, 1938, by the Wall-Rogalsky Milling Co. from McPherson, Kans.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Trombone Pure Quality Flour."

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

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

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

29616. Adulteration of apples. U. S. v. 19 Bushels of Apples. Consent decree of condemnation and destruction. (F. & D. No. 43503. Sample No. 32715-D.)

This product was contaminated with arsenic and lead.

On August 12, 1938, 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 19 bushels of apples at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about August 7, 1938, by E. A. Fichtner from Benton Harbor, Mich.; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that the article contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On August 18, 1938, the claimant having consented thereto, judgment of condemnation was entered and the product was ordered destroyed.

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

29617. Misbranding of canned cherries. U. S. v. 300 Cases of Cherries. Product ordered released under bond to be relabeled. (F. & D. No. 42905. Sample No. 28701-D.)

This product was substandard because it was water-packed and there was present more than 1 cherry pit per each 20 ounces of net contents, and it was not labeled to indicate that it was substandard.

On June 8, 1938, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 300 cases of canned cherries at Los Angeles, Calif.; alleging that the article had been shipped in interstate commerce on or about May 25, 1938, by William W. McBride Co. from Portland, Oreg.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Case) "Red Sour Pitted Cherries * * * Haas-Baruch L. 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, in that it was water-packed and the fruit was not pitted, since there was present more than 1 cherry pit per 20 ounces of net contents, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard.

On June 27, 1938, the Hillman Packing Co., claimant, having appeared and having admitted the allegations of the libel, judgment was entered ordering that the product be released under bond conditioned that it be relabeled.

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