

Adulteration was alleged in that the article consisted in whole or in part of a filthy vegetable substance.

On January 24, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

**30107. Misbranding of canned cherries. U. S. v. 200 Cases of Canned Cherries. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 43272. Sample No. 15073-D.)**

This product was substandard because of the presence of an excessive number of pits and it was not labeled to indicate that it was substandard.

On August 10, 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 200 cases of canned cherries at San Francisco, Calif.; alleging that the article had been shipped in interstate commerce on or about July 30, 1938, by Stayton Canning Co. Co-Op. from Stayton, Oreg.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "H M Hi Man Louis T. Snow & Co. Distributors San Francisco, Calif. Water Pack Pitted Red Sour Cherries."

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 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 January 12, 1939, Stayton Canning Co. Co-Op., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled to conform to the provisions of the Food and Drugs Act.

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

**30108. Adulteration of frozen egg whites. U. S. v. 100 Cans of Frozen Egg Whites. Consent decree of condemnation. Product released under bond to be segregated and the bad eggs destroyed. (F. & D. No. 44284. Sample No. 12129-D.)**

This product was in part decomposed.

On November 3, 1938, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 100 cans of frozen egg whites at Jersey City, N. J.; alleging that the article had been shipped in interstate commerce on or about August 8, 1938, by the S. Blick Co., Inc., from New York, N. Y.; 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 animal substance.

On January 16, 1939, the S. Blick Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that the good be separated from the bad and that the latter be destroyed or denatured so they could not be used for food purposes.

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

**30109. Adulteration of ocean perch fillets. U. S. v. 227 Boxes of Ocean Perch Fillets. Default decree of condemnation and destruction. (F. & D. No. 44089. Sample No. 21292-D.)**

This product was infested with parasitic worms.

On October 13, 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 227 boxes of ocean perch fillets at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about June 28, 1938, by Forty Fathom Fisheries, Inc., from Boston, Mass.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Ocean Perch Freshly Chilled 40 Fathom Brand Fish Boston, Mass."

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

On November 14, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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