

had been shipped in interstate commerce in part on or about August 25, 1938, and in part on or about October 1, 1938, from Ogden, Utah; and charging misbranding in violation of the Food and Drugs Act. A portion of the article was labeled in part: "Smith Brand * * * Distributed by Smith Canning Company Clearfield, Utah." The remainder was labeled in part: "Gateway Brand * * * Perry Canning Co. Perry Utah Packers and Distributors."

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 its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it fell below such standard.

On February 10, 1939, no claim having been entered, judgment of condemnation was entered and the product was ordered delivered to a welfare organization.

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

30138. Adulteration of tomato puree. U. S. v. 22 Cases and 7 Cases of Tomato Puree. Default decrees of condemnation and destruction. (F. & D. Nos. 44271, 44272. Sample Nos. 35664-D, 35665-D.)

This product contained excessive mold.

On November 2, 1938, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 29 cases of tomato puree at Springfield, Mass.; alleging that the article had been shipped in part on or about September 17, 1938, and in part on or about September 28, 1938, by Gervas Canning Co., Inc., from Fredonia, N. Y.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Gervas Brand Tomato Puree."

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

On February 13, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

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

30139. Misbranding of canned cherries. U. S. v. 150 Cases of Cherries. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 44653. Sample No. 20372-D.)

This product was substandard because it was packed in water and a portion contained excessive pits, and it was not labeled to indicate that it was substandard.

On January 9, 1939, 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 150 cases of canned cherries at Los Angeles, Calif.; alleging that the article had been shipped in interstate commerce on or about November 16, 1938, by Producers Cooperative Packing Co. from Salem, Oreg.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Nature's Finer Flavor Brand Red Sour Pitted Cherries * * * Packed For M. A. Newmark & Co., Los Angeles, Calif."

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 it was packed in water and contained excessive pits, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it fell below such standard.

On February 7, 1939, the Producers Cooperative Packing Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled in compliance with the law.

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

30140. Adulteration of shrimp. U. S. v. 5,000 Pounds of Shrimp. Decree of condemnation. Product released under bond. (F. & D. No. 44647. Sample No. 20590-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be in part decomposed.

On December 23, 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 5,000 pounds of shrimp at Los Angeles, Calif.; alleging that the article had been shipped on or about December 20, 1938, by the Pacific Brokerage Co. from Nogales, Ariz.; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that the article consisted in whole or in part of a decomposed animal substance.

On January 3, 1939, Louis Gayou, 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 released under bond conditioned that the unfit portion be segregated and disposed of according to law. The decomposed shrimp was destroyed under the supervision of this Department.

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

30141. Adulteration of soy flour. U. S. v. 26 Bags of Soy Flour. Default decree of condemnation and destruction. (F. & D. No. 44540. Sample No. 37059-D.)

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

On December 16, 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 26 bags of soy flour at San Francisco, Calif.; alleging that the article had been shipped on or about June 16, 1938, by the A. E. Staley Manufacturing Co. from Decatur, Ill.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Staley's No. 1 Soy Flour."

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

On February 8, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

30142. Adulteration of doughnut and waffle mixtures. U. S. v. 5 barrels, et al., of Waffle and Doughnut Mixtures. Decree of condemnation. Products released under bond conditioned that they be disposed of for purposes other than human consumption. (F. & D. Nos. 44505 to 44519, incl. Sample Nos. 36094-D, 36095-D, 36097-D to 36104-D, incl., 36107-D, 36108-D, 43232-D, 43342-D, 43343-D.)

These products, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, were found to be insect-infested.

On December 16, 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 347 barrels of doughnut and waffle mixtures at San Francisco, Calif.; alleging that the articles had been shipped by the Doughnut Corporation of America from Baltimore, Md., within the period from on or about January 15, 1938, to on or about July 16, 1938; and charging adulteration in violation of the Food and Drugs Act. The articles were labeled in part, variously: "Marvel Waffle Mixture," "Doughnut Mixture Stafresh," "Mayflower Doughnut Mixture," "Doco Pride Donut Mix," "Doughnut Mixture Supreme," and "Doughnut Mixture Wheato."

Adulteration was alleged in that the articles consisted in whole or in part of filthy vegetable substances.

On January 30, 1939, the Doughnut Corporation of America having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be disposed of for some purpose other than human consumption.

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

30143. Adulteration and misbranding of lemon extract. U. S. v. 94 Bottles of Lemon Extract. Default decree of condemnation and destruction. (F. & D. No. 43954. Sample No. 3306-D.)

This product contained about 1 percent of added citral and the vehicle contained a large proportion of isopropyl alcohol.

On September 22, 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 94 bottles of lemon extract at Fort Mason, Calif.; alleging that the article had been shipped in