

30861. Misbranding of canned cherries. U. S. v. 22 Cases of Red Sour Pitted Cherries. Default decree of condemnation and destruction. (F. & D. No. 44724. Sample No. 43601-D.)

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

On January 25, 1939, 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 22 cases of canned cherries at San Francisco, Calif.; alleging that the article had been shipped in interstate commerce on or about July 23, 1938, by Stayton Canning Co. from Stayton, Oreg.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Mountain Home Brand Water Pack Pastry Pack Red Sour Pitted Cherries Haas Brothers Distributors San Francisco, Oakland, Fresno, 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 the fruit was not pitted and it contained more than 1 cherry pit per each 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 August 21, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

30862. Adulteration of strawberry preserves. U. S. v. 39 Cans and 101 Jars of Strawberry Preserves. Default decree of condemnation and destruction. (F. & D. Nos. 44987, 44988. Sample Nos. 39461-D, 39462-D.)

Examination of this product showed the presence of moldy fruit.

On March 10, 1939, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel, and subsequently an amended libel, praying seizure and condemnation of 39 cans and 101 jars of strawberry preserves at Longview, Wash.; alleging that the article had been shipped in interstate commerce on or about August 1, 1938, by Kerr Conserving Co. from Portland, Oreg.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Kerr's Pure Preserves Strawberry."

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

On August 19, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

30863. Adulteration of whole frozen eggs. U. S. v. S. Blick Co., Inc. Plea of guilty. Fine, \$25. (F. & D. No. 42731. Sample No. 12129-D.)

This product was found to be in part decomposed.

On July 18, 1939, 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 an information against the S. Blick Co., Inc., New York, N. Y., alleging shipment by said company in violation of the Food and Drugs Act on or about August 8, 1938, from the State of New York into the State of New Jersey of a quantity of frozen eggs that were adulterated.

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

On July 25, 1939, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$25.

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

30864. Adulteration and misbranding of vanilla extract. U. S. v. Abraham Kupfershmid (De Calais Laboratorie). Plea of guilty. Fine, \$100. (F. & D. No. 42674. Sample Nos. 3841-D, 3842-D, 5625-D, 5710-D, 17444-D.)

This product, which was represented to be pure vanilla extract, was found to consist of an artificially colored imitation vanilla extract containing added vanillin but little or no true vanilla.

On June 29, 1939, 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 an information against Abraham Kupfershmid, trading as the De Calais Laboratorie, New York, N. Y., alleging shipment by said defendant