

at Springfield, Ill.; alleging that the article had been shipped on or about May 23, 1938, by the Elmer Candy Co., Inc., from New Orleans, La.; and charging that it was adulterated in violation of the Food and Drugs Act. It was labeled in part: "Angel's Delight Devinity Candy."

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

On December 22, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

GROVER B. HILL, *Acting Secretary of Agriculture.*

31019. Adulteration of butter. U. S. v. Vilmer K. Berger (Berger Creamery Co.). Plea of guilty. Fine, \$50 and costs. (F. & D. No. 42785. Sample No. 26874-D.)

This product contained less than 80 percent by weight of milk fat.

On November 20, 1939, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Vilmer K. Berger, trading as the Berger Creamery Co., South Sioux City, Nebr., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about May 31, 1939, from the State of Nebraska into the State of New York of a quantity of butter which was adulterated.

Adulteration was alleged in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat, as prescribed by the act of March 4, 1923.

On December 13, 1939, the defendant having entered a plea of guilty, the court imposed a fine of \$50 and costs.

GROVER B. HILL, *Acting Secretary of Agriculture.*

31020. Misbranding of canned cherries. U. S. v. 297 Cases of Canned Cherries. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. No. 45574. Sample No. 82617-D.)

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

On November 13, 1939, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 297 cases of canned cherries at Tampa, Fla.; alleging that the article had been shipped in interstate commerce on or about August 7, 1939, by the Washington Packers, Inc., from Sumner, Wash.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Invale Brand Water Pack Red Sour Pitted Cherries."

Misbranding was alleged in that the article was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since there was present therein 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 December 1, 1939, Berger & Rachelson, Inc., Tampa, Fla., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that it be relabeled under the supervision of this Department.

GROVER B. HILL, *Acting Secretary of Agriculture.*

31021. Misbranding of canned peas. U. S. v. 900 Cases of Peas. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. & D. No. 45568. Sample No. 47727-D.)

This product fell below the standard established by this Department because the peas were not immature, and it was not labeled to indicate that it was substandard.

On October 12, 1939, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel against 900 cases of canned peas at Washington, D. C.; alleging that the article had been shipped in interstate commerce on or about August 24 and 26, 1939, by A. W. Feeser & Co., Inc., from Taneytown, Md.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Feeser's Brand Pod Run Sugared Peas."

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 for such canned food since the peas were not immature, 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 November 3, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions for their use and not for sale.

GROVER B. HILL, *Acting Secretary of Agriculture.*

31022. Misbranding of canned peas. U. S. v. 94 Cases of Canned Peas. Decree of condemnation. Product ordered delivered to a charitable institution. (F. & D. No. 45566. Sample No. 59518-D.)

This product was substandard because the peas were not immature, and it was not labeled to indicate that it was substandard.

On October 6, 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 a libel praying seizure and condemnation of 94 cases of canned peas at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about July 18, 1939, by Kathleen A. Leister from Westminster, Md.; and charging misbranding in violation of the Food and Drugs Act. It was labeled in part: "Elmdale Run O'Pod Early June Peas National Retailer-Owned Grocers, Inc. Distributors * * * Chicago, Ill."

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 the peas were not immature, and the 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 November 6, 1939, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be delivered to a charitable institution and that the labels be removed or defaced.

GROVER B. HILL, *Acting Secretary of Agriculture.*

31023. Misbranding of cottonseed screenings. U. S. v. Cairo Meal & Cake Co. Plea of guilty. Fine, \$263 and costs. (F. & D. No. 42722. Sample No. 4159-D.)

This product contained less protein than was declared on the label.

On June 6, 1939, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Cairo Meal & Cake Co., a corporation, Cairo, Ill., alleging shipment by said company on or about November 29, 1938, from the State of Illinois into the State of Kansas of a quantity of cottonseed screenings which were misbranded in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "Miss Cairo Brand."

The article was alleged to be misbranded in that the statement on the tag, "Protein—41.00%," was false and misleading and was borne on the said tag so as to deceive and mislead the purchaser since it contained less than 41 percent, namely, not more than 37.06 percent of protein.

On November 22, 1939, the defendant having entered a plea of guilty, the court imposed a fine of \$263 and costs.

GROVER B. HILL, *Acting Secretary of Agriculture.*

31024. Adulteration of frozen shrimp. U. S. v. 500 Cases of Frozen Shrimp. Consent decree of condemnation. Product ordered released under bond. (F. & D. No. 44646. Sample No. 20368-D.)

This product was in part decomposed.

On December 21, 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 500 cases of frozen shrimp at Wilmington, Calif.; alleging that the article had been shipped in interstate commerce on or about December 11, 1938, by Joe Grasso & Son from Galveston, Tex.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Crescent Brand Fresh Frozen Shrimp."

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

On September 13, 1939, Joe Grasso & Son, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product