

package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture, indicating that it fell below such standard.

On August 13, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

PAUL V. McNUTT, *Administrator*.

31082. Adulteration of Brazil nuts. U. S. v. Wm. A. Camp Co., Inc. Plea of guilty. Fine, \$100. (F. & D. No. 42529. Sample Nos. 62590-C, 62591-C, 62592-C, 62594-C.)

Samples of this product were found to be in part moldy, rancid, or decomposed.

On August 26, 1938, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed an information against the Wm. A. Camp Co., Inc., a corporation having its principal place of business at New York, N. Y., alleging shipment by the defendant in violation of the Food and Drugs Act, within the period from on or about October 2 to November 1, 1937, from Hoboken, N. J., into the State of Pennsylvania, of a quantity of Brazil nuts that were adulterated. The article was labeled in part: "Tropical Brand New Crop."

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

On June 17, 1940, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$100.

PAUL V. McNUTT, *Administrator*.

31083. Misbranding of canned cherries. U. S. v. 15 Cases of Canned Cherries. Default decree of condemnation. Product delivered to a charitable institution. (F. & D. No. 45600. Sample No. 70496-D.)

This product was substandard since it contained excessive pits, and was not labeled to indicate that it was substandard.

On March 11, 1940, the United States attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 cases of canned cherries at Clovis, N. Mex., alleging that the article had been shipped in interstate commerce on or about November 15, 1939, by the Furr Food Stores, that the shippers had transported the article in their own truck from Amarillo, Tex., to themselves at Clovis, N. Mex.; and that it was misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Admiration Red Sour Pitted Cherries * * * Packed by Colorado Packing Plant, Canon City, Colorado."

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 regulation of this Department indicating that it fell below such standard.

On April 23, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be delivered to a charitable institution for the use of that institution.

PAUL V. McNUTT, *Administrator*.

31084. Misbranding of canned tomatoes. U. S. v. 448 Cases and 947 Cases of Tomatoes. Product found substandard and ordered released under bond for relabeling. (F. & D. Nos. 45570, 45571. Sample Nos. 82045-D, 82047-D.)

This product was substandard, one lot because it was not normally colored and the other because the fruit did not consist of whole or large pieces; and it was not labeled to indicate its substandard character.

On October 21, 1939, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed a libel against 1,395 cases of tomatoes at Oklahoma City, Okla., alleging that the article had been shipped in interstate commerce within the period from on or about September 10 to on or about September 22, 1939, by Hargis Cannery, Inc., from Fayetteville and Huntsville, Ark.; and charging that it was misbranded. One lot was labeled in part: "Home Delight Hand Packed Tomatoes * * * Packed by Hargis Cannery Inc." The other lot was labeled in part: "Ozark Pride Hand Packed Tomatoes * * * Packed by Ozark Canning Co."