

in violation of the Food and Drugs Act. The article was labeled in part: "Admiration Red Sour Pitted Cherries" and "Faust Brand * * * Pitted Sour Water Pack Red Cherries."

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

On June 3, 1940, no claimant having appeared, judgments of condemnation were entered and the article was ordered distributed to a charitable institution.

PAUL V. McNUTT, *Administrator.*

31091. Adulteration of frozen strawberries. U. S. v. William G. Allen (Allen Fruit Co.). Plea of guilty. Fine, \$25 and costs. (F. & D. No. 42747. Sample No. 36597-D.)

This product consisted in part of moldy berries.

On September 16, 1939, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed an information against William G. Allen, trading as Allen Fruit Co., Salem, Oreg., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about March 4, 1939, from the State of Washington into the State of Oklahoma, of a quantity of strawberries which were adulterated.

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

On March 11, 1940, a plea of guilty was entered by the defendant and the court imposed a fine of \$25 and costs.

PAUL V. McNUTT, *Administrator.*

31092. Adulteration of butter. U. S. v. The Valley Creamery, Inc. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 42780. Sample No. 60634-D.)

This product contained less than the required 80 percent of milk fat.

On November 13, 1939, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Valley Creamery, Inc., Harrisonburg, Va., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about May 21, 1939, from the State of Virginia into the State of New York, of a quantity of butter.

The article was alleged to be adulterated 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.

On March 28, 1940, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$25 and costs.

PAUL V. McNUTT, *Administrator.*

31093. Adulteration and misbranding of herring roe. U. S. v. B. A. Griffin Co., Inc., and Bennett A. Griffin. Plea of nolo contendere to count I and plea of guilty to count II entered by Bennett A. Griffin on behalf of himself. Fine, \$100. Action against B. A. Griffin Co., Inc., dismissed. (F. & D. No. 42754. Sample No. 35010-D.)

The product covered by this case was found to be filthy and decomposed. It also was falsely labeled with respect to the name of the packer and the place at which it was packed.

On November 20, 1939, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed an information against the B. A. Griffin Co., Inc., and Bennett A. Griffin, alleging shipment by said defendants in violation of the Food and Drugs Act, on or about October 29, 1938, from the State of Maine into the State of Virginia, of a quantity of herring roe which was adulterated and misbranded. The article was labeled in part: "Thomas Brand Herring Roe."

Adulteration was alleged in count I of the information in that the article consisted in whole or in part of a filthy and decomposed animal substance.

Misbranding was alleged in count II in that the statement, "Selected And Packed By Hand On The Fishing Shore at Weems, Va. by S. C. Thomas, Weems, Va.," borne on the can labels, was false and misleading and was borne on the said labels so as to deceive and mislead the purchaser in that the said statement represented that the article was produced and packed at Weems, Va., by

S. C. Thomas; whereas it was produced and packed at Eastport, Maine, by Bennett A. Griffin.

On June 4, 1940, Bennett A. Griffin, on behalf of himself, entered a plea of nolo contendere to the first count and a plea of guilty to the second count, and was fined \$100. On the same date the action against B. A. Griffin Co., Inc., was dismissed by order of the court.

PAUL V. McNUTT, *Administrator.*

31094. Misbranding of alfalfa meal. U. S. v. Saunders Mills, Inc. Plea of nolo contendere. Judgment of guilty. Fine, \$200 and costs. (F. & D. No. 42786. Sample No. 4868-D.)

This product contained less crude protein and more crude fiber than was declared on the label.

On December 14, 1939, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Saunders Mills, Inc., Toledo, Ohio, alleging shipment by said defendant in violation of the Food and Drugs Act, on or about June 5, 1939, from the State of Ohio into the State of Maryland, of a quantity of alfalfa meal that was misbranded. The article was labeled in part: (Tag) "Dehydrated Alfalfa Meal."

Misbranding was alleged in that the statements, "Crude Protein, not less than 17.0 per cent" and "Crude Fibre, not more than 27.0 per cent," borne on the tag, were false and misleading and were borne on said tag so as to deceive and mislead the purchaser since the article contained not more than 13.08 percent of crude protein and not less than 35.82 percent of crude fiber.

On June 29, 1940, a plea of nolo contendere having been entered on behalf of the defendant, the court found the defendant guilty without intent and imposed a fine of \$200 and costs.

PAUL V. McNUTT, *Administrator.*

31095. Adulteration of frozen eggs. U. S. v. Armour & Co. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 42536. Sample No. 16402-D.)

This product was found to be in part decomposed.

On July 7, 1938, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Armour & Co., a corporation, trading as Armour Creameries at Louisville, Ky., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about January 15, 1938, from the State of Kentucky into the State of Pennsylvania, of a quantity of frozen eggs that were adulterated.

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

On October 10, 1938, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$50 and costs.

PAUL V. McNUTT, *Administrator.*

31096. Misbranding of canned tomatoes. U. S. v. 389 Cases of Tomatoes. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. & D. No. 45572. Sample No. 82075-D.)

This product was substandard because it was not normally colored, and it was not labeled to indicate that it was substandard.

On October 24, 1939, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed a libel against 389 cases of tomatoes at Norman, Okla., alleging that the article had been shipped in interstate commerce on or about September 29, 1939, by Hargis Cannery, Inc., from Fayetteville, Ark.; and charging that it was misbranded. The article was labeled in part: "Nu Crest Brand Tomatoes Packed for Recorg Supply Corporation, Chicago, Illinois."

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 in that it was not normally colored, and its label did not bear a plain and conspicuous statement, as prescribed by the Secretary of Agriculture, indicating that it fell below such standard.

On October 27, 1939, the Hargis Cannery, Inc., claimant, having admitted the allegations of the libel, a consent decree of condemnation was entered and the article was ordered released under bond conditioned that it be relabeled in compliance with the law.

PAUL V. McNUTT, *Administrator.*