

District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 37 cases of canned cherries, remaining in the original packages at Louisville, Ky., alleging that the article had been shipped in interstate commerce on or about August 25, 1931, by the Great Lakes Fruit Industries, of Onekama, Mich., from Toledo, Ohio, to Louisville, Ky., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Onekama Brand Red Sour Pitted Cherries Unsweetened * * * Packed by Onekama Canning Co., Onekama, Michigan."

It was alleged in the libel that the product was adulterated in that partially pitted cherries had been substituted for the article.

Misbranding was alleged for the reason that the statement on the label, "Pitted Cherries", was false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article. Misbranding was alleged for the further reason that the product was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, in that it was water-packed and its package or label did not bear a plain and conspicuous statement indicating that the product fell below such standard.

On November 18, 1932, no claimant having appeared for the property, and the court having found that the product could be relabeled and made to comply with the law, judgment was entered ordering that it be delivered to charitable institutions.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20528. Adulteration of butter. U. S. v. William F. Becker (De Soto Creamery). Plea of guilty. Fine, \$10. (F. & D. no. 28039. I. S. no. 36349.)

This action was based on the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter provided by Congress.

On July 8, 1932, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against William F. Becker, trading as De Soto Creamery, at De Soto, Wis., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about June 29, 1931, from the State of Wisconsin into the State of Illinois, of a quantity of butter that was adulterated.

It was alleged in the information that the article was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, which the article purported to be.

On December 5, 1932, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20529. Misbranding of canned orange juice. U. S. v. Floriorange Canners, Inc. Plea of guilty. Fine, \$25. (F. & D. no. 27343. I. S. no. 22306.)

This action was based on the interstate shipment of a quantity of canned orange juice, sample cans of which were found to contain less than the declared volume.

On May 17, 1932, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Floriorange Canners, Inc., Mount Dora, Fla., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about June 1, 1931, from the State of Florida into the State of Washington, of a quantity of orange juice that was misbranded. The article was labeled in part: (Cans) "Floriorange Orange Juice Contents 1 Pint 4 Fl. Oz. Floriorange Canners, Inc. Main Office Mount Dora, Florida."

It was alleged in the information that the article was misbranded in that the statement "Contents 1 Pint 4 Fl. Oz.", borne on the cans containing the article, was false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since the cans contained less than declared. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the con-