

The article in the No. 10 cans was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance. The article in both sized cans was alleged to be misbranded in that it was canned food and fell below the standard of quality, condition, and fill of container promulgated by the Secretary of Agriculture in that the No. 10 cans contained excess packing medium and the No. 2 cans contained excessive pits, and the packages or labels did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On January 5, 1938, Seiter's, Inc., having filed a claim for the product in the No. 2 cans and having filed a bond conditioned that the claimant pay costs and relabel the goods, the court ordered the said No. 2 cans released. On January 13, 1938, the product in the No. 10 cans was condemned and ordered destroyed.

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

28791. Adulteration of frozen strawberries. U. S. v. 88 Barrels of Frozen Strawberries. Product ordered released under bond for segregation and destruction of unfit portion. (F. & D. No. 40889. Sample Nos. 14474-C, 59812-C.)

This product was in part decomposed because of the presence of mold.

On November 19, 1937, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 88 barrels of frozen strawberries at Milwaukee, Wis., alleging that the article had been shipped in interstate commerce on or about July 23, 1937, from Albany, Oreg., by R. I. MacLaughlin & Co., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Oregon Strawberries * * * R. I. MacLaughlin & Co. Salem Albany Ore."

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

On February 8, 1938, R. I. MacLaughlin & Co. having appeared as claimant, the product was ordered released under bond conditioned that the unfit portion be destroyed.

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

28792. Adulteration of frozen shrimp. U. S. v. 9,020 Pounds of Frozen Shrimp. Default decree of condemnation and destruction. (F. & D. No. 41947. Sample Nos. 14331-D, 14332-D.)

This product was in whole or in part decomposed.

On March 8, 1938, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 9,020 pounds of frozen shrimp at Boston, Mass., consigned on or about August 17, 1937, alleging that the article had been shipped in interstate commerce from New York, N. Y., by C. F. Kraus, and charging adulteration in violation of the Food and Drugs Act.

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

On March 23, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

28793. Adulteration and misbranding of cheese. U. S. v. 41 Cases of Cheese. Consent decree of condemnation. Product released under bond. (F. & D. No. 41998. Sample No. 15090-D.)

This product was deficient in fat.

On March 18, 1938, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 41 cases of cheese at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about February 4, 1938, from Seattle, Wash., by the Walter Ely Co., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Walter Ely Co. Seattle Wn."

It was alleged to be adulterated in that a substance deficient in fat had been mixed and packed with it so as to reduce or lower its quality, and in that a substance deficient in fat had been substituted in whole or in part for the article.

It was alleged to be misbranded in that it was offered for sale under the distinctive name of another article, cheese.