

On December 28, 1937, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 34 cans of oil at New Haven, Conn., alleging that the article had been shipped in interstate commerce on or about December 3, 1937, from Brooklyn, N. Y., by Gus Mantia, and charging misbranding in violation of the Food and Drugs Act.

The article was alleged to be misbranded in that the following statements were false and misleading and tended to deceive and mislead the purchaser when applied to artificially colored and flavored cottonseed oil and when applied to domestic cottonseed oil which purported to be a foreign product: "Prodotta Garantito Extra Fine Oil La Gustosa * * * Olio Finissimo * * * The oil contained in this can * * * is guaranteed to be of the finest quality. * * * L'olio che questa latta contiene e di qualita extra fina insuperabile per tavola, cucina." The article was alleged to be misbranded further in that it was an imitation of another article, olive oil.

On May 11, 1938, no claimant having appeared, the product was ordered delivered to charitable institutions.

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

28960. Adulteration of canned prunes. U. S. v. 1,208 Cases of Canned Prunes. Default decree of condemnation and destruction. (F. & D. No. 40922. Sample No. 60549-C.)

Samples of this product were found to contain brown rot.

On or about November 26, 1937, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,208 cases of canned prunes at Lubbock, Tex., alleging that the article had been shipped in interstate commerce on or about October 15, 1937, from Salem, Oreg., by the Allen Fruit Co., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "King's Packed by Allen Fruit Co. Salem, Oreg. * * * Fresh Prunes."

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

On May 16, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

28961. Misbranding of canned cherries. U. S. v. 498 Cases of Red Sour Pitted Cherries. Decree of condemnation. Product released under bond for relabeling. (F. & D. No. 40710. Sample Nos. 49904-C, 49908-C.)

This product fell below the standard established by this Department because it contained an excessive number of pits.

On November 10, 1937, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 498 cases of canned cherries at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about September 20, 1937, from Lockport, N. Y., by H. C. Hemingway & Co., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Cayuga Red Sour Pitted Cherries in Water * * * Distributed by H. C. Hemingway & Co., Auburn, Cayuga County, N. Y."

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 or conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On December 29, 1937, H. C. Hemingway & Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was released under bond conditioned that it be relabeled with the substandard legend prescribed for partially pitted cherries.

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

28962. Adulteration of canned plums. U. S. v. 1,495 Cases of Plums. Consent decree of condemnation. Product released under bond. (F. & D. No. 40529. Sample No. 33787-C.)

This product was undergoing progressive decomposition.

On October 21, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district