

New Brunswick, N. J.; alleging that the article had been shipped in interstate commerce on or about August 26, 1938, by Bronson Foods, Inc., from Philadelphia, Pa.; and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled: "Hub City Pure Mayonnaise Contents One Pint Lefkowitz Elias Company New Brunswick, N. J., Distributors."

It was alleged to be misbranded in that the statement "Contents One Pint" was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short volume; and in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package since the quantity stated was not correct.

On February 4, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30147. Adulteration of prunes. U. S. v. 40 Boxes of Oregon Italian Prunes. Default decree of condemnation and destruction. (F. & D. No. 44618. Sample No. 42101-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be infested with mites.

On January 3, 1939, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 40 boxes of prunes at Philadelphia, Pa.; alleging that the article had been shipped on or about October 19, 1937, from San Francisco, Calif., by the Atlas Mercantile Co.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Nonpareil Brand Oregon Italian Prunes Packed For Frank E. Falk San Francisco."

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

On January 24, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30148. Adulteration of lake herring. U. S. v. 41 Kegs of Fish in Brine. Default decree of condemnation and destruction. (F. & D. No. 44560. Sample No. 29186-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be in part decomposed.

On December 20, 1938, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 41 kegs of fish at Atlanta, Ga.; alleging that the article had been shipped on or about December 10, 1938, by Opelika Wholesale Grocery Co. from Opelika, Ala.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "The Dormer Company Menominee Mich. * * * Superior Lake Herring."

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

On January 7, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30149. Adulteration of canned tomato puree. U. S. v. 24 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. & D. No. 44236. Sample No. 32902-D.)

This product contained excessive mold.

On October 27, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 24 cases of canned tomato puree at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about September 17, 1938, by Michigan Fruit Cannery, Inc., from Benton Harbor, Mich.; 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 decomposed vegetable substance.

On January 13, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30150. Misbranding of canned cherries. U. S. v. Five Cases of Cherries. Default decree of condemnation and destruction. (F. & D. No. 43872. Sample No. 30140-D.)

This product was substandard because of the presence of excessive pits, and it was not labeled to indicate that it was substandard.

On September 13, 1938, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of five cases of canned cherries at Wilkes-Barre, Pa.; alleging that the article had been shipped in interstate commerce on or about July 25, 1938, by the Quaker Maid Co. from Brockport, N. Y.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "A. & P. Red Sour Pitted Cherries * * * Packed for the Great Atlantic & Pacific Tea Co., New York, N. Y. Distributors."

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 February 2, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30151. Adulteration and misbranding of imitation strawberry jam. U. S. v. 9 Cases, 29 Cases, and 14 Cases of Imitation Strawberry Jam. Consent decrees of condemnation and destruction. (F. & D. Nos. 44722, 44769, 44808. Sample Nos. 36036-D, 36134-D, 43361-D.)

This product contained excessive mold and a portion was short weight.

On January 24 and February 2 and 8, 1939, the United States attorney for the District of Hawaii, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 52 cases of imitation strawberry jam, in part at Honolulu, and in part at Hilo, T. H.; alleging that the article had been shipped within the period from on or about December 22, 1938, to on or about January 23, 1939, by Kockos Bros., Ltd., from San Francisco, Calif.; and charging adulteration of the former lot and misbranding of the latter, in violation of the Food and Drugs Act as amended. The article was labeled in part: "Five Brothers Fine Quality Imitation Strawberry Jam Net Weight 2 Lbs. * * * Enjoy Packing Co. San Francisco, Calif."

Adulteration of all lots was alleged in that the article consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

One lot was alleged to be misbranded in that the statement "Net Weight 2 Lbs." was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short weight; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the quantity stated was incorrect.

On January 25, February 4, and February 20, 1939, the shipper having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30152. Adulteration of lobster tails. U. S. v. 13 Boxes of Lobster Tails. Default decree of condemnation and destruction. (F. & D. Nos. 44580, 44581. Sample No. 34927-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be in whole or in part decomposed.

On December 23, 1938, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 13 boxes of lobster tails at Baltimore, Md.; alleging that the article had been shipped on or about October 9, 1938, by M. Feigenbaum & Sons from Pittsburgh, Pa.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Captail Brand Tails Product of Union of South Africa Langouste."