

On February 8, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered turned over to a Federal institution to be used for stock feed.

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

30312. Adulteration of butter. U. S. v. 25 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. & D. No. 44896. Sample No. 54131-D.)

This product contained less than 80 percent of milk fat.

On February 6, 1939, 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 25 tubs of butter at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about January 30, 1939, by Renwick Community Creamery from Renwick, Iowa; and charging adulteration in violation of the Food and Drugs Act.

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 of milk fat, as provided by act of March 4, 1923.

On February 21, 1939, A. D. Gimer, trading as Renwick Community Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked to the legal standard.

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

30313. Adulteration of frozen perch filets. U. S. v. 797 Boxes of Frozen Perch Filets. Default decree of condemnation and destruction. (F. & D. No. 44824. Sample Nos. 29200-D, 65603-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 or about February 14, 1939, 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 797 boxes of frozen perch filets at Atlanta, Ga.; alleging that the article had been shipped on or about January 11, 1939, by Atlantic Coast Fisheries from Gloucester, Mass.; 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 animal substance.

On March 8, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

30314. Misbranding of canned cherries. U. S. v. 28 Cases and 79 Cases of Red Sour Pitted Cherries. Decrees of condemnation. Portion of product released under bond for relabeling; remainder destroyed. (F. & D. Nos. 44297, 44687. Sample Nos. 3317-D, 43356-D, 43481-D.)

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

On November 4, 1938, and January 13, 1939, the United States attorney for the Northern District of California, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 28 cases of canned cherries at San Francisco, Calif., and 79 cases of canned cherries at Oakland, Calif.; alleging that the article had been shipped in interstate commerce on or about October 7 and December 2, 1938, by the Stayton Canning Co. Cooperative in part from Portland, Oreg., and in part from Stayton, Oreg.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Mountain Home Brand * * * Pitted Cherries * * * Haas Brothers 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.