

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy animal substance.

On April 12 and 29, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

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

30462. Misbranding of canned cherries. U. S. v. 50 Cases and 63 Cases of Canned Cherries. Decrees of condemnation. Product released under bond to be relabeled. (F. & D. Nos. 44613, 44811. Sample Nos. 36535-D, 36557-D.)

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

On or about December 30, 1938, and February 13, 1939, the United States attorney for the District of Kansas, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 50 cases of canned cherries at Emporia, Kans., and 63 cases of canned cherries at Concordia, Kans.; alleging that the article had been shipped in interstate commerce on or about August 13 and 16, 1938, by Producers Canning Co. from Fort Collins, Colo.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Producers Brand Water Pack Colorado Red Pitted Cherries."

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 20 and March 24, 1939, Theo. Poehler Mercantile Co., Emporia, Kans., and the Concordia Mercantile Co., Concordia, Kans., having appeared as claimants for the respective lots and having admitted the allegations of the libels, judgments of condemnation were entered, and the product was ordered released under bond conditioned that it be relabeled in compliance with the law.

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

30463. Adulteration of poultry. U. S. v. Two Barrels of Chickens and One Box of Fowl. Default decree of condemnation and destruction. (F. & D. Nos. 44899, 44900. Sample Nos. 27002-D, 27003-D.)

Examination of this poultry showed that a portion was diseased.

On February 25 1939, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of two barrels and one box of poultry at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about January 21 and 27, 1939, by Tracy Produce Co., Inc., from Tracy, Minn.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it was the product of a diseased animal.

On March 20, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

30464. Adulteration of cheese. U. S. v. 60 Cases of Cheese. Default decree of condemnation and destruction. (F. & D. Nos. 44462, 44463, 44464. Sample Nos. 41735-D, 41737-D, 41738-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 contain insect fragments.

On December 2, 1938, 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 60 cases of cheese at Philadelphia, Pa.; alleging that the article had been shipped on or about September 10 and October 3, 1938, by J. & H. Van Vleck from Westernville, N. Y.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Van Vleck's Finest Quality Limburger."

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

On March 15, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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