

fillets at Louisville, Ky.; alleging that the article had been shipped in interstate commerce on or about March 13, 1939, from New Salisbury, Ind., by Arthur E. Wenning; and charging adulteration in violation of the Food and Drugs Act.

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

On May 22, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

30676. Adulteration and misbranding of horseradish. U. S. v. New Jersey Empire Pickle Works, Inc. Plea of guilty. Fine, \$850; payment suspended on \$800 and defendant placed on probation for 6 months. (F. & D. No. 42654. Sample Nos. 25475-D, 25986-D, 25987-D, 25988-D, 26310-D.)

This product consisted in whole or in part of ground parsnip with little, if any, horseradish.

On June 2, 1939, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against New Jersey Empire Pickle Works, Inc., Newark, N. J., alleging shipment by said defendant in violation of the Food and Drugs Act, within the period from on or about March 30, 1938, to on or about June 7, 1938, from the State of New Jersey into the States of Connecticut and New York, of quantities of food represented to be horseradish. One lot of the article, which was unlabeled but was invoiced as horseradish, was alleged to be adulterated. Other lots of the article, which were labeled in part, "Boyd Brand Prepared Horse Radish," were alleged to be adulterated and misbranded.

Adulteration was alleged in that a substance consisting principally of ground parsnip and containing little, if any, horseradish, had been substituted in whole or in part for horseradish, which it purported to be.

The article, with the exception of one lot, was alleged to be misbranded in that the label statement "Horse Radish" was false and misleading, and in that it was labeled so as to deceive and mislead the purchaser, since such statement represented that it consisted wholly of horseradish; whereas it did not consist wholly of horseradish but consisted in large part of ground parsnip. Further misbranding was alleged in that the article was a product consisting wholly or in part of ground parsnip and containing little, if any, horseradish, prepared in imitation of horseradish, and offered for sale and sold under the distinctive name of another article, namely, horseradish.

On June 26, 1939, a plea of guilty was entered on behalf of the defendant, and the court imposed a fine of \$850, but suspended payment of \$800 of that amount and placed the defendant on probation for 6 months.

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

30677. Adulteration of canned cherries. U. S. v. 100 Cases of Canned Cherries. Default decree of condemnation and destruction. (F. & D. No. 43031. Sample Nos. 3442-D, 23337-D.)

This product contained worms.

On July 11, 1938, the United States attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 100 cases of canned cherries at Phoenix, Ariz., shipped on or about May 21, 1938; alleging that the article had been shipped in interstate commerce from Puyallup, Wash., by Pacific Northwest Canning Co.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Famous Puyallup Brand Water Pack Pitted Red Sour Cherries."

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

On December 27, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

30678. Adulteration of rye flour and soybean flour. U. S. v. 44 Bags of Flour. Default decree of condemnation and destruction. (F. & D. Nos. 45330, 45331, 45332. Sample Nos. 43695-D, 43696-D, 43697-D.)

These products had been shipped in interstate commerce and remained unsold and in the original packages. At the time of examination they were found to be insect-infested.