

30756. Adulteration of dried peaches. U. S. v. 1,400 Boxes of Dried Peaches. Default decree of condemnation and destruction. (F. & D. No. 45391. Sample No. 44295-D.)

This product had been shipped in interstate commerce by boat from San Francisco, Calif., to Newark, N. J., at which port it was damaged substantially as the result of a fire. When examined the boxes were thickly encrusted with dirty clay; some boxes were burned or charred; and the fruit was moldy, water-soaked, or filthy.

On May 23, 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 a libel praying seizure and condemnation of 1,400 boxes of dried peaches remaining unsold and in the original packages at Newark, N. J.; alleging that the article had been shipped on or about March 4, 1939, from San Francisco, Calif., by Cured Fruit Association of California; and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "Asco Brand California Peaches."

Adulteration was alleged in that the article consisted in whole or in part of a filthy or decomposed vegetable substance.

On June 29, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

30757. Adulteration of white beans. U. S. v. 178 Bags of White Beans. Default decree of condemnation and destruction. (F. & D. No. 45392. Sample No. 44296-D.)

This product had been shipped in interstate commerce by boat from San Francisco, Calif., to Newark, N. J., at which port it was damaged substantially as the result of a fire in the hold of the ship. When examined the bags were charred and encrusted with dirty clay, and the contents were filthy.

On May 23, 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 a libel praying seizure and condemnation of 178 bags of white beans remaining unsold in the original packages at Newark, N. J.; alleging that the article had been shipped on or about March 6, 1939, from San Francisco, Calif., by Lompoc Produce & Real Estate Co.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Ames Harris Neville Co. S. F."

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

On June 28, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

30758. Adulteration of Cera-Lac. U. S. v. 141 Bags of Cera-Lac. Default decree of condemnation and destruction. (F. & D. No. 45393. Sample No. 44297-D.)

This product had been shipped in interstate commerce by boat from Los Angeles, Calif., to Newark, N. J., at which port it was damaged substantially as the result of fire in the hold of the ship. When examined the bags were charred and encrusted with dirty clay, and the contents were filthy.

On May 23, 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 a libel praying seizure and condemnation of 141 bags of Cera-Lac remaining unsold and in the original packages at Newark, N. J.; alleging that the article had been shipped on or about March 9, 1939, from Los Angeles, Calif., by the Cera-Lac Co.; 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 filthy or decomposed vegetable substance.

On June 28, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

30759. Misbranding of canned cherries. U. S. v. 100 Cases of Canned Cherries. Decree of condemnation. Product released under bond for relabeling. (F. & D. No. 44745. Sample No. 51196-D.)

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

On January 31, 1939, the United States attorney for the Southern District of Florida, 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 Miami, Fla.; alleging that the article had been shipped in interstate commerce on or about December 29, 1939, by the Washington Packers, Inc., from Tacoma, Wash.; and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Fruitfull Brand Water Pack Red Sour Pitted Cherries."

Misbranding was alleged in that the article 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 for each 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 July 14, 1939, the Washington Packers, Inc., having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled in part: "Below U. S. Standard Good Food—Not High Grade Water Pack Red Sour Partially Pitted Cherries."

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

30760. Adulteration of dried apple chops. U. S. v. 219,900 Pounds of Dried Apple Chops. Default decree of condemnation and destruction. (F. & D. No. 45109. Sample No. 17574-D.)

This product had been shipped in interstate commerce and remained unsold and in the original packages. At the time of examination it was found to be decomposed, moldy, and insect-infested.

On March 29, 1939, 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 219,900 pounds of dried apple chops at Waynesboro, Pa.; alleging that the article had been shipped on or about March 16 and April 15, 1937, by the C. H. Musselman Co. from Charles Town, W. Va.; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that the article consisted wholly or in part of a filthy and decomposed vegetable substance.

On August 1, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

30761. Adulteration of butter. U. S. v. 22 Tubs, 12 Tubs, and 7 Tubs of Butter. Consent decree of condemnation. Product released under bond for reworking. (F. & D. No. 45461. Sample No. 60636-D.)

This product contained less than 80 percent by weight of milk fat.

On May 31, 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 41 tubs of butter at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about May 22, 1939, by the Fairmont Creamery Co. from Pittsburgh, Pa.; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat, as provided by the act of March 4, 1923.

On June 28, 1939, the Fairmont Creamery Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked so that it contain not less than 80 percent of milk fat.

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

30762. Adulteration of canned evaporated milk. U. S. v. 42 Cases of Canned Evaporated Milk. Default decree of condemnation and destruction. (F. & D. No. 45507. Sample No. 60552-D.)

Examination of this product showed that it was in whole or in part decomposed.

On June 20, 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 a libel praying seizure and condemnation of 42 cases of canned evaporated