

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 for such canned food since it was not normally colored, and the label on the cans did not bear a plain and conspicuous statement, as prescribed by the Secretary indicating that it fell below such standard.

On November 6, 1939, Nelson Canning 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 relabeled under the supervision of this Department.

GROVER B. HILL, *Acting Secretary of Agriculture.*

30929. Misbranding of canned red sour pitted cherries. U. S. v. 235 Cases of Canned Cherries. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 44751. Sample No. 43606-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 27, 1939, the United States attorney for the Southern District of California filed a libel against 235 cases of canned cherries at Fresno, Calif.; alleging that the article had been shipped in interstate commerce on or about August 17, 1938, by Stayton Canning Co. from West Stayton, Oreg.; and charging that it was misbranded. The article was labeled in part: "Mountain Home Brand * * * Haas Brothers Distributors."

The article 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, 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 September 5, 1939, Stayton Canning 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 relabeled in compliance with the law.

GROVER B. HILL, *Acting Secretary of Agriculture.*

30930. Adulteration of butter. U. S. v. Brooklawn Creamery Co. Plea of guilty. Fine, \$26. (F. & D. No. 42757. Sample Nos. 57613-D, 57649-D.)

This product contained less than 80 percent of milk fat.

On August 28, 1939, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Brooklawn Creamery Co., a corporation, Beaver, Utah, alleging shipment by said defendant in violation of the Food and Drugs Act on or about March 17 and May 2, 1939, from the State of Utah into the State of California, of quantities of butter which was adulterated.

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 by weight of milk fat, as prescribed by the act of March 4, 1923.

On October 11, 1939, the defendant entered a plea of guilty, and the court imposed a fine of \$25 on the first count and \$1 on the second count.

GROVER B. HILL, *Acting Secretary of Agriculture.*

30931. Adulteration of butter. U. S. v. North Platte Valley Non-Stock Cooperative Cheese Co. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 42761. Sample Nos. 41292-D, 41293-D, 41297-D, 41298-D.)

This product contained less than 80 percent of milk fat.

On October 2, 1939, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed an information against the North Platte Valley Non-Stock Cooperative Cheese Co., a corporation, Gering, Nebr., alleging shipment by said company on or about May 10 and May 18, 1939, from the State of Nebraska into the State of Wyoming of quantities of butter which was adulterated. The article was labeled in part: "Beauty Girl Quality Butter."

It 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.

On October 17, 1939, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$25 and costs.

GROVER B. HILL, *Acting Secretary of Agriculture.*