

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

On September 9, 1940, the Southern California Fish Corporation, having appeared as claimant, and the cases having been consolidated, judgment of condemnation was entered and it was ordered that a portion of the product identified by a certain code be destroyed and that the remainder of the product, consisting of two codes, be released to the claimant under bond conditioned that it should not be sold or disposed of contrary to law.

PAUL V. McNUTT, *Administrator*.

31079. Adulteration of cream. U. S. v. George J. Sharpensteen. Plea of guilty. Fine, \$400. (F. & D. No. 42798. Sample Nos. 15541-D, 15545-D.)

The product on which this action was based contained added mineral oil.

On May 20, 1940, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed an information against George J. Sharpensteen, Harrison, Ark., alleging shipment by said defendant in violation of the Food and Drugs Act on or about July 18 and 29, 1938, from the State of Arkansas into the State of Missouri, of quantities of cream that was adulterated.

Adulteration was alleged in that mineral oil had been mixed and packed with the article so as to reduce or lower or injuriously affect its quality or strength and had been substituted in part for cream, which the article purported to be.

On September 23, 1940, the defendant entered a plea of guilty and the court imposed a fine of \$400.

PAUL V. McNUTT, *Administrator*.

31080. Misbranding of canned cherries. U. S. v. 49 Cases of Canned Cherries. Default decree of condemnation and destruction. (F. & D. No. 45606. Sample No. 6375-E.)

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

On or about May 21, 1940, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed a libel against 49 cases of canned cherries at Havre, Mont., alleging that the article had been shipped in interstate commerce by the Woods Cross Canning Co., for the Varney Canning Co., Inc., on or about October 10, 1939, from Clearfield, Utah; and charging that it was misbranded. The article was labeled in part: "Leota Brand Pitted Red Sour Cherries * * * Varney Canning, Inc., Roy Utah."

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 for each 20 ounces of net contents and it was packed in water, and the packages or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On July 25, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

PAUL V. McNUTT, *Administrator*.

31081. Misbranding of canned tomatoes. U. S. v. 104 Cases of Tomatoes. Default decree of condemnation and destruction. (F. & D. No. 45615. Sample Nos. 13190-E, 26236-E.)

This product was substandard because the fruit units did not consist of whole or large pieces, and it was not labeled to indicate that it was substandard.

On July 12, 1940, the United States attorney for the District of Idaho, acting upon a report by the Administrator, Federal Security Agency, filed a libel against 104 cases of canned tomatoes at Boise, Idaho, alleging that the article had been shipped in interstate commerce on or about December 18, 1939, by the Varney Canning Co., Inc., from Roy, Utah; and charging that it was misbranded. The article was labeled in part: "Dot Brand Tomatoes with Puree From Trimmings. Packed by Varney Canning, Inc., Roy, Utah."

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 in that the fruit units did not consist of whole or large pieces and its