

on or about November 26, 1932, by the Pacific Fruit & Produce Co., from Yakima, Wash., and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled: "Wash No. 3 Rome Beauty * * * Packed by Pacific Fruit & Produce Co., Yakima, Wash." The remainder was labeled in part: "Rome Beauty Wash No. 3 Grown and packed by Mrs. C. L. Bradley, Selah, Wash."

It was alleged in the libel that the article was adulterated in that it contained added poisonous ingredients, arsenic and lead, which might have rendered it injurious to health.

On April 12, 1933, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

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

21042. Misbranding of brown wheat shorts. U. S. v. 90 Sacks of Brown Wheat Shorts. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29704. Sample no. 14083-A.)

This action involved an interstate shipment of brown wheat shorts which contained less protein and less fat than declared on the labeling.

On January 2, 1933, the United States attorney for the Northern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 90 sacks of brown wheat shorts at Corinth, Miss., alleging that the article had been shipped in interstate commerce, on or about December 1, 1932, by the Model Mill Co., from Jackson, Tenn., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Model Brown Wheat Shorts * * * Manufactured by the Model Mill Company, Jackson, Tennessee. Guaranteed Analysis Crude Protein, not less than 16.00% Crude Fat, not less than 4.00%."

It was alleged in the libel that the article was misbranded in that the statements on the label, "Crude Protein not less than 16.00%, Crude Fat, not less than 4.00%", were false and misleading and deceived and misled the purchaser, since the article contained less protein and less fat than so declared.

On April 12, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

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

21043. Misbranding of canned cherries. U. S. v. 327 Cases of Canned Cherries. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 29750. Sample no. 28056-A.)

This action involved an interstate shipment of canned cherries. Tests of the liquid portion showed that the sugar solution was of insufficient strength to bring the article up to the standard established by this Department for canned cherries; the article was not labeled to show that it was water-packed and, therefore, substandard.

On January 26, 1933, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 327 cases of canned cherries at Casper, Wyo., alleging that the article had been shipped in interstate commerce on or about October 18, 1932, by Ray-Maling Co., from Hillsboro, Oreg., and charging misbranding in violation of the Food and Drugs Act as amended.

It was alleged in the libel that the article was misbranded in that it fell below the standard of quality or condition promulgated by the Secretary of Agriculture for such canned food, since it consisted of water-packed cherries, and its label did not bear a plain and conspicuous statement prescribed by the Secretary, indicating that it fell below such standard. Misbranding was alleged for the further reason that the statements appearing on the label, "Raybrook Brand Packed without added sugar Red Sour Pitted Cherries, Net Weight 6 Lbs. 4 Oz., Packed by Ray-Maling Company, Inc., Kitchens, Hillsboro, Oregon", were false and misleading, since the article consisted of water-packed cherries.

On April 25, 1933, Lovell & Lee, Inc., claimant, having admitted the material allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court