

district court a libel praying seizure and condemnation of 97 cases of canned cherries at Elizabeth, N.J., alleging that the article had been shipped in interstate commerce on or about July 31, 1933, by the Victor Food Corporation, from Victor, N.Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Can) "Hersh's Best Brand Sour Pitted Red Cherries Packed in Water Contents 1 Lb. 5 Ozs."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Contents 1 Lb. 5 Ozs., was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On November 16, 1933, L. F. Hersh & Bro., Elizabeth, N.J., claimant, having admitted the 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 that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$300, conditioned that it be relabeled.

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

21620. Adulteration of herring. U. S. v. 3 Boxes of Fresh Fish. Default decree of destruction. (F. & D. no. 31587. Sample no. 50380-A.)

On October 31, 1933, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 3 boxes of herring at Columbus, Ohio, alleging that the article had been shipped in interstate commerce on or about October 29, 1933, by the Lake Superior Fish Co., from Duluth, Minn., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, or putrid animal substance and in that it consisted of portions of animals unfit for food.

On November 1, 1933, the court having found that the product was spoiled and unfit for human consumption, judgment was entered ordering that it be destroyed by the United States marshal.

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

21621. Adulteration and misbranding of butter. U. S. v. 5 Tubs of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31302. Sample no. 40396-A.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress. Examination also showed that the quantity of the contents was not declared on the label.

On September 28, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 5 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 19, 1933, by Preston Produce Co., from Preston, Minn., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

It was alleged in the libel that the article was adulterated 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.

Misbranding was alleged for the reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 13, 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.*

21622. Misbranding of cottonseed screenings. U. S. v. Lucian C. Worth (L. C. Worth Commission Co.). Plea of guilty. Fine, \$1. (F. & D. no. 30327. Sample no. 19806-A.)

This case was based on an interstate shipment of cottonseed screenings that contained less than 43 percent of protein, the amount declared on the tag.