

than 4 ounces. 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.

On November 6, 1933, the defendants having been arraigned and having entered pleas of nolo contendere, the court ordered that imposition of sentence be suspended.

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

**21672. Adulteration and misbranding of canned cherries. U. S. v. 26 Cases of Canned Cherries. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29176. Sample no. 14584-A.)**

This case involved an interstate shipment of a product which was represented to be canned pitted cherries, but which contained an excessive amount of pits.

On November 4, 1932, the United States attorney for the District of Nevada, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 26 cases of canned cherries at Las Vegas, Nev., alleging that the article had been shipped from Ogden, Utah, in interstate commerce on or about August 25, 1932, by the Utah Canning Co., Brigham City, Utah, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Cases) "Golden Brand Water Packed Pitted Red Cherries."

It was alleged in the libel that the article was adulterated in that partly pitted water-pack cherries had been substituted for pitted cherries.

Misbranding was alleged for the reason that the statement, "Pitted Red Cherries," was false and misleading and deceived and misled the purchaser when applied to partly pitted cherries.

On October 11, 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.*

**21673. Adulteration of tullibeas. U. S. v. 10 Boxes of Tullibeas. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31541. Sample no. 59684-A.)**

This case involved a shipment of tullibeas that were infested with parasitic worms.

On October 19, 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 10 boxes of tullibeas at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 14, 1933, by Ed Tviet, from Warroad, 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, and putrid animal substance. Adulteration was alleged for the further reason that the article consisted of portions of animals unfit for food.

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.*

**21674. Adulteration of bluefins. U. S. v. 19 Boxes of Fish. Default decree of destruction. (F. & D. no. 31305. Sample no. 50420-A.)**

On or about October 20, 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 nineteen 100-pound boxes of fish at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce on or about October 18, 1933, by the Lake Superior Fish Co., from Chicago, Ill., 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 October 24, 1933, the court having found that the fish were spoiled and unfit for human consumption, judgment was entered nunc pro tunc as of October 20, 1933, ordering that they be destroyed by the United States marshal.

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