

district court a libel praying seizure and condemnation of 50 cartons of canned cherries at Santa Barbara, Calif., alleging that the article had been shipped in interstate commerce on or about September 30, 1937, from Seattle, Wash., by the National Fruit Canning Co., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Westag Brand Water Pack Red Sour Pitted Cherries * * * Western States Grocery Company, Distributors Oakland California."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On November 24, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28183. Adulteration of flour. U. S. v. 420 Bags of Flour. Decree of condemnation. Product released under bond for segregation and denaturing of portion unfit for human consumption. (F. & D. No. 40290. Sample No. 53354-C.)

This article was infested with insects.

On September 15, 1937, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 420 bags of flour at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about August 12, 1937, by Kell Mill & Elevator Co., from Wichita Falls, Tex., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Kell Mill & Elevator Co. Wichita Falls, Texas Western Lily Flour."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On October 15, 1937, J. F. Eagan, New Orleans, La., having intervened as owner or agent for the owner and having admitted the allegations, judgment of condemnation was entered. It was ordered that the property be released to the claimant under bond conditioned that the bad portion be separated from the good, if any, and the former denatured so that it could not be used for human food, but that it might be used as animal feed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28184. Adulteration of flour. U. S. v. 163 Bags of Flour. Decree of condemnation and forfeiture. Article released under bond for segregation and denaturing of portion unfit for human consumption. (F. & D. No. 40301. Sample No. 53361-C.)

This product was infested with weevils and worms.

On September 16, 1937, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 163 bags of flour at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about July 5, 1937, by Ismert Hincke Milling Co. from Kansas City, Mo., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Thunderbolt Flour Ismert Hincke Milling Co., Kansas City."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On October 15, 1937, Schwartz & Voelkel, New Orleans, La., having intervened as owner or agent for the owner and having admitted the allegations of the libel, judgment of condemnation was entered. The product was ordered released to the claimant under bond conditioned that the bad be separated from the good, if any, and that the former be denatured so that it could not be used for human food, but that it might be used as animal feed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28185. Misbranding of canned peas. U. S. v. 300 Cases of Canned Peas. Decree of condemnation. Product released under bond for relabeling. (F. & D. No. 40165. Same No. 44222-C.)

This product was substandard since the peas were not immature, and it was not labeled to indicate that it was substandard.

On August 23, 1937, the United States attorney for the Western District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 300 cases of canned peas at Charlotte, N. C., alleging the article had been shipped in inter-