

of condemnation was entered, and the product was ordered released under bond conditioned that it be properly relabeled.

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

28213. Adulteration of butter. U. S. v. 19 Cubes of Butter. Consent decree of condemnation. Product released under bond for reworking. (F. & D. No. 40670. Sample No. 51039-C.)

This product was moldy.

On October 22, 1937, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 19 cubes of butter at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about October 12, 1937, from Butte, Mont., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance, examination of the same showing the butter to be moldy. The article was labeled: "Sweet Grass C Big Timb. Mont."

On October 27, 1937, Sweet Grass County Creamery Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered, and the product was ordered released under bond for reworking to conform to the Food and Drugs Act.

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

28214. Adulteration of rabbits. U. S. v. 7 Sacks of Rabbits, et al. Consent decree of condemnation. Unfit portion ordered destroyed and wholesome portion ordered sold. (F. & D. Nos. 40687, 40695, 40713. Sample Nos. 60650-C, 60651-C, 60655-C.)

A portion of this product was decomposed and a portion was infested with parasites.

On November 9 and 10, 1937, the United States attorney for the District of Colorado, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 20 sacks of rabbits at Denver, Colo., consigned by Ricardo Produce Co., Ricardo, N. Mex., alleging that the article had been shipped in interstate commerce on or about November 3, 4, and 6, 1937, from Ricardo, N. Mex., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed animal substance.

On November 18, 1937, Ricardo Produce Co., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the unfit portion of the product was ordered destroyed and the wholesome portion was ordered sold.

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

28215. Misbranding of canned cherries. U. S. v. 74 Cases of Canned Cherries. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. No. 40872. Sample No. 60566-C.)

This product fell below the standard established by this Department because of the presence of excessive pits, and it was not labeled to indicate that it was substandard.

On November 18, 1937, the United States attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 74 cases of canned cherries at Albuquerque, N. Mex., alleging that the article had been shipped in interstate commerce on or about September 15 and October 8, 1937, from Canon City, Colo., by Ray A. Ricketts Co., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Rayway Brand Packed in Water Red Pitted Cherries Packed by Ray A. Ricketts Co. Canon City, Colo."

The article 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 one cherry pit per 20 ounces of net contents, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.