

labeled in part: "Leota Brand Pitted Red Sour Cherries \* \* \* Contents 1 Lb. 2 Oz. Varney Canning Co. Ogden Utah."

It was alleged to be misbranded in that the statement "Contents 1 Lb. 2 Oz." was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short weight; and in that it 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 quantity stated was not correct.

On June 2, 1938, the Kearney Grocery Co., Kearney, Nebr., and William Varney Canning Co., claimants, having consented to the entry of a decree, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be relabeled under the supervision of this Department.

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

**29111. Adulteration of canned cherries. U. S. v. 90 Cases of Cherries. Default decree of destruction. (F. & D. No. 42130. Sample Nos. 16986-D, 16994-D.)**

Samples of this product were found to contain maggots.

On April 7, 1938, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 90 cases of canned cherries at Richmond, Va.; alleging that the article had been shipped in interstate commerce on or about December 31, 1937, from Portland, Oreg., by the Walla Walla Canning Co.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Home Spun Brand Royal Anne Cherries \* \* \* Phillips-Lewis Co., Inc. Distributors, Richmond."

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

On June 23, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

**29112. Adulteration and misbranding of frozen egg yolks. U. S. v. 35 Cans of A-1 Yolks. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 42154. Sample No. 8113-D.)**

This product contained added egg white.

On April 9, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 35 cans of egg yolks at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about December 1, 1937, from Detroit, Mich., by Frigid Food Products, Inc.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Frigid Food Products, Inc. \* \* \* Detroit, Mich. \* \* \* Yolks."

It was alleged to be adulterated in that a mixture of egg yolks and egg white had been substituted wholly or in part for egg yolks, which it purported to be.

It was alleged to be misbranded in that the statement "Yolks" was false and misleading and tended to deceive and mislead the purchaser when applied to an article that contained added egg white.

On May 28, 1938, Frigid Food Products, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled.

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

**29113. Misbranding of canned blueberries. U. S. v. 200 Cases of Canned Blueberries. Consent decree of condemnation. Product released under bond to be correctly relabeled. (F. & D. No. 41581. Sample Nos. 7593-D, 7611-D.)**

This product was short weight.

On or about February 2, 1938, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 200 cases of canned blueberries at New Haven, Conn.; alleging that the article had been shipped in interstate commerce on or about October 27, 1937, by the Sargentville Packing Co., from Ellsworth, Maine; and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Gold Coin Brand Blueberries Contents 6 Lbs. 12 Oz. \* \* \* Packed by Sargentville Packing Co. Sargentville, Maine."