

violation of the Food and Drugs Act. The article was labeled in part: "Polak's Frutal Works Amersfoort Holland * * * Solvent PFW 1."

It was alleged to be adulterated in that a poisonous substance, a glycol or a glycol ether, or both, had been substituted in whole or in part for Solvent PFW 1, a food-flavor solvent.

Misbranding was alleged in that the statement "Solvent PFW 1" was false and misleading and tended to deceive and mislead the purchaser when applied to an article containing a glycol or a glycol ether, or both, poisons.

On August 17, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

29359. Misbranding of canned cherries. U. S. v. 240 Cases of Canned Cherries. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. No. 43110. Sample No. 22893-D.)

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

On July 21, 1938, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 240 cases of canned cherries at Wilmington, Calif.; alleging that the article had been shipped in interstate commerce on or about July 7, 1938, from Portland, Oreg., by Paulus Bros. Packing Co.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "White Tag R. S. P. Cherries Packed in Water * * * Paulus Bros. Packing Co., Salem, Oregon."

It 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 for such canned food, since there was present more than 1 cherry pit per 20 ounces of net contents, and its package or label did not bear a plain and conspicuous statement as prescribed by the Secretary of Agriculture indicating that such canned food fell below such standard.

On August 22, 1938, Paulus Bros. Packing Co., claimant, having admitted the allegations of the libel and 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.

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

29360. Adulteration of cream. U. S. v. Three 10-Gallon Cans, One 8-Gallon Can, and Eight 5-Gallon Cans of Cream (and 19 other seizure actions). Consent decrees of condemnation and destruction. (F. & D. Nos. 43353, 43389 to 43392, incl., 43394 to 43407, incl., 43515. Sample Nos. 27258-D, 30830-D, 31161-D to 31164-D, incl., 31166-D to 31174-D, incl., 41002-D, 41003-D, 41004-D, 41006-D, 41007-D.)

This product was filthy or decomposed, or both.

Between the dates of July 20 and August 17, 1938, the United States attorney for the District of Colorado, acting upon reports by the Secretary of Agriculture, filed in the district court 20 libels praying seizure and condemnation of a total of 33 5-gallon cans, 6 8-gallon cans, and 27 10-gallon cans of cream at Trinidad, Colorado Springs, and Denver, Colo.; alleging that the article had been shipped in interstate commerce within the period from on or about July 20 to August 17, 1938, in various shipments by G. W. Wilson, Hereford, Tex.; Emmett Thornton, Plainview, Tex.; Fred Burton, Mills, N. Mex.; H. L. Butler, Goree, Tex.; P. M. Baker, Kendall, Kans.; J. R. Bostick, Childress, Tex.; Ray Wilson, Boise City, Okla.; John Patterson, Happy, Tex.; Marion Gridlebaugh, Maxwell, N. Mex.; J. T. Easterling, Clarendon, Tex.; A. R. Shipp, Shallowater, Tex.; O. I. Mercer, Memphis, Tex.; A. J. Bell, Clovis, N. Mex.; James Merc. Co., Farley, N. Mex.; G. S. Reed, Amarillo, Tex.; Wilson Co., Mills, N. Mex.; Mrs. B. W. Blair, Texline, Tex.; E. M. Rupp (or Ruff), Clayton N. Mex.; G. W. Baskin, Plainview, Tex.; R. Stringfellow, Des Moines, N. Mex.; Joe Vocasek, Taylor Springs, N. Mex.; G. F. Ward, La Mesa, Tex.; Robert Auras, Taylor Springs, N. Mex.; S. H. Garrison, Idalou, Tex.; Phil McConnell, Taylor Springs, N. Mex.; W. C. Chambers, Olney, Tex.; G. L. White, Dalhart, Tex.; D. B. Mayfield, Chillicothe, Tex.; S. G. Garrison, Lakeview, Tex.; D. B. Perdue, Hedley, Tex.; P. J. Mercer, Lakeview, Tex.; Kuzma Pobor, Raton, N. Mex.; Ernest Tatman, Griggs, Okla.; J. E. Richards, Sedan, N. Mex.; Ira Tredway, Greenville, Tex.; Burden Groc., Hedley, Tex.; Leslie Middleton, Ruleton, Kans.; Fred Storer, Dubois, Idaho; Elbert Holdren, Syracuse, Kans.; Frank Gow,

Crawford, Nebr.; Karl Crammer, Kanorado, Kans.; J. J. Blazek, Cuba, Kans.; Jacob D. Cotten, Wallace, Nebr.; C. T. Dunning, Broken Bow, Nebr.; W. A. Medbery, Upton, Wyo.; Lan Waldman, Trinnell, Kans.; M. I. Patterson, Victoria, Kans.; G. L. Martin, Weskan, Kans.; Frank Gue Cream Co., Crawford, Nebr.; R. H. Basham, Coolidge, Kans.; Gusner Independent Cream Station, Chadron, Nebr.; Lloyd C. McBride, Arapahoe, Nebr.; Jake Jansonius, Prairie View, Kans.; Bessie Knight, Benkelman, Nebr.; C. J. Philbrick, Bird City, Kans., and Frank Kokes, Sidney, Nebr.; 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.

The consignees having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered destroyed on the same date as that on which it was libeled.

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

29361. Misbranding of peaches. U. S. v. 125 Baskets of Peaches. Default decree of destruction. (F. & D. No. 43029. Sample No. 16817-D.)

An excessive proportion of these peaches was below the size declared on the label.

On July 7, 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 125 baskets of peaches at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about July 2, 1938, by W. J. Brazey from Monticello, Ga.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled: "Bee Brand 2 Inch Minimum."

It was alleged to be misbranded in that the statement "2 Inch Minimum" was false and misleading and tended to deceive and mislead the purchaser when applied to peaches that were undersized.

On July 19, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

29362. Adulteration of dried apricots. U. S. v. 582 Cases of Dried Apricots. Default decree of condemnation and destruction. (F. & D. No. 42904. Sample No. 17955-D.)

This product was dirty, insect-infested, and moldy, and contained rodent excreta.

On June 16, 1938, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 582 cases of dried apricots at Baltimore, Md.; alleging that the article had been shipped in interstate commerce on or about May 23, 1938, by Consolidated Packing Co. from San Francisco, Calif.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "California Apricots For Manufacturing Purposes."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed vegetable substance.

On July 25, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

29363. Misbranding of apples. U. S. v. 100 Bushels and 50 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. No. 42325. Sample No. 16813-D.)

This product, because of excessive grade defects, was below the grade declared on the label.

On May 6, 1938, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 150 bushels of apples at Indianapolis, Ind.; alleging that the article had been shipped in interstate commerce on or about April 28, 1938, by York State Fruit Distributors, Inc., of Rochester, N. Y. (from Youngstown, N. Y.); and charging misbranding in violation of the Food and Drugs Act.