

On May 13, 1938, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 19½ cases of canned cherries at Spokane, Wash.; alleging that the article had been shipped in interstate commerce on or about August 23, 1937, by Seiter's, Inc., from Post Falls, Idaho; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Coeur d'Alene Brand Red Sour Pitted Cherries Packed in Water."

It was alleged to be misbranded in that it was canned food and fell below the standard of fill of container promulgated by the Secretary of Agriculture, since it contained excess packing medium, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard.

On December 5, 1938, no claimant having appeared, judgment of condemnation was entered, and it was ordered that the labels be removed and the product delivered to a charitable institution.

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

**29856. Misbranding of glass pack shrimp. U. S. v. 27 Cases of Shrimp. Consent decree of condemnation. Product released under bond to be relabeled.** (F. & D. No. 42205. Sample No. 10565-D.)

This product was falsely represented to have been packed and produced under the supervision of this Department.

On April 15, 1938, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 27 cases of shrimp at Trenton, N. J.; alleging that the article had been shipped in interstate commerce on or about September 8, 1937, by W. M. Brooks Packing Co., Inc., from Fernandina, Fla.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Jar) "Florida Sea Brand Shrimp \* \* \* Production Supervised by U. S. Food and Drug Administration."

It was alleged to be misbranded in that the statement "Production Supervised by U. S. Food and Drug Administration" was false and misleading and tended to deceive and mislead the purchaser, since the production of the article was not supervised by the United States Food and Drug Administration.

On June 8, 1938, W. M. Brooks Packing Co., Inc., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered with provision for release of the product under bond, conditioned that it be relabeled to comply with the Food and Drugs Act.

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

**29857. Misbranding of butter. U. S. v. 10 Cases of Butter. Decree of condemnation. Product ordered released under bond to be relabeled or repacked.** (F. & D. No. 44415. Sample No. 27427-D.)

This product was short of the declared weight.

On November 7, 1938, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 cases of butter at Cheyenne, Wyo.; alleging that the article had been shipped in interstate commerce on or about November 2, 1938, by the Kimball Creamery Co. from Kimball, Nebr.; and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Carton) "Kimball Creamery Butter 1 lb. net."

It was alleged to be misbranded in that the statement "1 lb. net" was false and misleading since the carton contained less than 1 pound; 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.

On November 12, 1938, the Kimball Creamery Co., claimant, 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 repacked or relabeled under the supervision of this Department so as to comply with the law.

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