

conditioned that it be made to conform to the provisions of the law under the direction of the Food and Drug Administration.

#### CANNED FRUITS

**2440. Adulteration of canned apricots. U. S. v. 224 Cases of Canned Apricots. Default decree of forfeiture and destruction. (F. D. C. No. 5756. Sample No. 27878-E.)**

Examination showed that this product was undergoing active spoilage.

On September 15, 1941, the United States attorney for the Southern District of Indiana filed a libel against 224 cases, each containing 6 No. 10 cans, of apricots at Indianapolis, Ind., alleging that the article had been shipped in interstate commerce on or about July 25, 1941, by Consolidated Freight Forwarding Co. from Oakland, Calif.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: "Monticello Brand \* \* \* B. H. Body & Co. Distributors San Francisco."

On October 17, 1941, no claimant having appeared, judgment of forfeiture was entered and the product was ordered destroyed.

**2441. Adulteration of canned blackberries. U. S. v. 250 Cases of Canned Blackberries. Default decree of condemnation and destruction. (F. D. C. No. 5978. Sample No. 60494-E.)**

Examination showed that this product contained moldy berries.

On October 3, 1941, the United States attorney for the Southern District of California filed a libel against 250 cases, each containing 24 No. 2 cans, of blackberries at Los Angeles, Calif., alleging that the article had been introduced in interstate commerce on or about September 13, 1941, by the Oregon Fruit Products Co. from Portland, Oreg.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: "Blackberries From Oregon."

On October 28, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2442. Adulteration of canned blackberries and strawberry preserves. U. S. v. Pacific Northwest Canning Co. Plea of nolo contendere. Fine, \$50 and costs. (F. D. C. No. 4191. Sample Nos. 26520-E, 55006-E.)**

Examination of these products showed that they contained moldy fruit.

On September 12, 1941, the United States attorney for the Western District of Washington filed an information against the Pacific Northwest Canning Co., a corporation, Puyallup, Wash., alleging shipment on or about August 1 and October 23, 1940, from the State of Washington into the Territory of Hawaii and the State of South Carolina, of quantities of canned blackberries and strawberry preserves, respectively, which were adulterated. The articles were labeled in part: "Famous Puyallup Brand Water Pack Blackberries"; or "Pure Fresh Fruit Strawberry Preserves."

The articles were alleged to be adulterated in that they consisted in whole or in part of decomposed substances.

On October 27, 1941, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of \$50 and costs.

**2443. Misbranding of canned cherries. U. S. v. Grocery Distributors, Inc., and Fred R. Pacella and Woodrow W. Wolf. Pleas of guilty. Fines, \$220. (F. D. C. No. 4157. Sample Nos. 27401-E to 27405-E, incl.)**

This product, consisting of partially pitted cherries, when introduced into interstate commerce bore on its label the substandard legend required by law, but subsequently was unlawfully relabeled by the consignee as standard cherries.

On September 17, 1941, the United States attorney for the Southern District of Ohio filed an information against the above-named defendants, alleging that within the period from on or about February 27 to on or about April 5, 1939, the Lockport Canning Co. shipped from Lockport, N. Y., to Grocery Distributors, Inc., Dayton, Ohio, a quantity of canned cherries that were labeled in part: "Below U. S. Standard Good Food—Not High Grade Partially Pitted Red Sour Cherries." The information alleged further that within the period from on or about April 11 to on or about April 20, 1940, and while the article was held for sale after shipment in interstate commerce, Grocery Distributors, Inc., and Fred R. Pacella and Woodrow W. Wolf unlawfully removed the labels from a number of cans of the article and unlawfully relabeled them by affixing and causing to be affixed thereto a label bearing the following statements and design: "[De-