

sign showing cherries, leaves, and dish containing piece of cherry pie] Tru Valu Brand Contents 1 Lb. 4 Oz. Pitted Red Sour Cherries in Water Packed for Lush's Brand Distributors, Inc. * * * Chicago Ill." The information charged that the article when so relabeled was misbranded in that it purported or was represented to be canned pitted cherries, a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard since there was present more than 1 pit to each 20 ounces of canned cherries and its label did not bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On October 3, 1941, the defendants having entered pleas of guilty, the court imposed a fine of \$200 on the corporation and a fine of \$10 upon each of the individual defendants.

2444. Misbranding of canned cherries. U. S. v. 41 Cases of Canned Cherries. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 5248. Sample No. 65327-E.)

Examination showed that this product was substandard because more than 1 pit was present in each 20 ounces of canned cherries, namely, an average of 2.01 pits per 20 ounces.

On August 19, 1941, the United States attorney for the District of Wyoming filed a libel against 41 cases, each containing 24 No. 2 cans, of cherries at Rock Springs, Wyo., alleging that the article had been shipped in interstate commerce on or about March 17, 1941, by the Royal Canning Corporation from Ogden, Utah; and charging that it was misbranded. It was labeled in part: "Little Boy Blue Water Packed Red Sour Pitted Cherries."

The article was alleged to be misbranded in that it was represented to be pitted cherries, but fell below the standard of quality prescribed therefor by regulations as provided by law.

On October 27, 1941, the Royal Canning Corporation, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

2445. Adulteration of canned huckleberries. U. S. v. 15 Cases of Canned Huckleberries. Default decree of forfeiture and destruction. (F. D. C. No. 5937. Sample No. 61750-E.)

Examination showed that this product contained worms.

On October 4, 1941, the United States attorney for the District of Idaho filed a libel against 15 cases, each containing 6 No. 10 cans, of huckleberries at Boise, Idaho, alleging that the article had been shipped in interstate commerce on or about September 13, 1941, by the United Fruit & Produce Co. from Portland, Oreg.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Midfield Brand Water Pack Huckleberries * * * Packed by Midfield Packers, Olympia, Wash."

On October 31, 1941, no claimant having appeared, judgment of forfeiture was entered and the product was ordered destroyed.

2446. Misbranding of canned peaches. U. S. v. 99 Cases of Canned Peaches. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 5814. Sample No. 48196-E.)

This product contained peel and blemished units in excess of the amounts permitted by the standard of quality for canned peaches, and it was not labeled to indicate that fact as required by law.

On or about September 24, 1941, the United States attorney for the Southern District of Florida filed a libel against 99 cases, each containing 24 No. 2 cans, of peaches at Jacksonville, Fla., alleging that the article had been shipped on or about August 5, 1941, by Bankston-Edwards Canning Co. from Zebulon, Ga.; and charging that it was misbranded. It was labeled in part: "Becco Brand * * * White Freestone Peaches."

The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard and its label did not bear, in such manner and form as the regulations specify, a statement that it fell below such standard.

On October 29, 1941, Bankston-Edwards Canning Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.