

**PRODUCT:** 299 cases, each containing 24 1-pound, 3-ounce cans, of cherries at Chicago, Ill.

**LABEL, IN PART:** "Food Club Red Sour Pitted Cherries."

**NATURE OF CHARGE:** Misbranding, Section 403 (g) (2), the article purported to be and was represented as canned red sour pitted cherries, a food for which a definition and standard of identity has been prescribed by the regulations, and its label failed to bear as required by the regulations the name of the optional packing medium present in the article, namely, water.

**DISPOSITION:** January 12, 1949. Default decree of condemnation. The product was ordered delivered to a public institution.

**14216. Misbranding of canned cherries. U. S. v. 102 Cases \* \* \*. (F. D. C. No. 25811. Sample No. 29233-K.)**

**LIBEL FILED:** October 14, 1948, District of Idaho.

**ALLEGED SHIPMENT:** On or about August 23, 1946, by the Blackington & Son Canning Co., from Ogden, Utah.

**PRODUCT:** 102 cases, each containing 24 1-pound, 12-ounce cans, of cherries at Twin Falls, Idaho.

**LABEL, IN PART:** "Mor Fresh Dark Sweet Cherries In Heavy Syrup."

**NATURE OF CHARGE:** Misbranding, Section 403 (g) (2), the product was canned cherries, a food for which a definition and standard of identity has been prescribed by the regulations, and its label failed to bear as required by the regulations the name of the optional packing medium present since its label bore the statement "In Heavy Syrup," whereas the article was packed in light sirup; and, Section 403 (h) (1), the product fell below the standard of quality for canned cherries since it was unpitted cherries and the weight of the largest cherry in the container was more than twice the weight of the smallest cherry, and it failed to bear a statement that it fell below the standard.

**DISPOSITION:** November 1, 1948. Blackington & Son Canning Co., claimant, having consented to the entry of a decree, judgment was entered ordering the product released under bond to be relabeled.

**14217. Misbranding of canned cherries. U. S. v. 18 Cases \* \* \*. (F. D. C. No. 26012. Sample No. 36533-K.)**

**LIBEL FILED:** November 12, 1948, Southern District of New York.

**ALLEGED SHIPMENT:** On or about August 11, 1948, by the Western Oregon Packing Corp., Corvallis, Oreg.

**PRODUCT:** 18 cases, each containing 24 cans, of cherries at New York, N. Y.

**LABEL, IN PART:** "Heart of the Valley Brand Light Sweet Royal Anne Cherries In Heavy Syrup Net Weight 1 Lb. 4 Oz."

**NATURE OF CHARGE:** Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents since the cans contained less than the labeled amount, "Net Weight 1 Lb. 4 Oz.," and, Section 403 (g) (2), the product purported to be and was represented as canned cherries, a food for which a definition and standard of identity has been prescribed by the regulations, and its label failed to bear as required by the regulations the name of the optional packing medium present since the label bore the statement "In Heavy Syrup," whereas the product was packed in water.

**DISPOSITION:** December 8, 1948. Default decree of condemnation. The product was ordered delivered to a charitable institution.