

**3085. Adulteration of canned blackberries. U. S. v. 52 Cases of Canned Blackberries. Default decree of condemnation and destruction. (F. D. C. No. 6813. Sample No. 64919-E.)**

Examination showed that this product contained insects and maggots and moldy berries.

On February 4, 1942, the United States attorney for the Western District of New York filed a libel against 52 cases of canned blackberries at Rochester, N. Y., alleging that the article had been shipped in interstate commerce by the Litteral Canning Co. from Fayetteville, Ark.; and charging that it was adulterated in that it consisted wholly or in part of a filthy and decomposed substance. It was labeled in part: "Faycano Blackberries Packed in Water."

On March 17, 1942, no claimant having appeared, default decree of condemnation was entered and the product was ordered destroyed.

**3086. Adulteration of canned blackberries. U. S. v. 53 Cases of Canned Blackberries. Default decree of condemnation and destruction. (F. D. C. No. 6688. Sample No. 72139-E.)**

Examination of this product showed the presence of moldy berries.

On January 22, 1942, the United States attorney for the Southern District of California filed a libel against 53 cases, each containing 24 cans, of blackberries at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about November 26, 1941, by Paulus Bros. Packing Co. from Salem, Oreg.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "White Tag Blackberries \* \* \* 1 Lb."

On February 16, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3087. Adulteration of canned blackberries. U. S. v. 56 Cases of Canned Blackberries. Default decree of condemnation and destruction. (F. D. C. No. 6602. Sample No. 61900-E.)**

Examination of this product showed that it contained decomposed material, as evidenced by the presence of mold.

On or about December 29, 1941, the United States attorney for the District of Montana filed a libel against 56 cases, each containing 6 No. 10 cans, of blackberries at Havre, Mont., alleging that the article had been shipped in interstate commerce on or about September 10, 1941, by the Standard Wholesale Co. from Portland, Oreg.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance, as evidenced by the presence of mold. The article was labeled in part: (Cases) "Spencerian Brand \* \* \* Blackberries \* \* \* Packed by Spencer Packing Co., Lebanon, Oregon."

On March 6, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3088. Misbranding of canned cherries. U. S. v. 48 Cases of Canned Cherries. Consent decree of forfeiture. Product ordered released under bond for relabeling. (F. D. C. No. 6845. Sample No. 85448-E.)**

Examination showed that this product was substandard in quality because of an excessive number of blemished cherries.

On February 14, 1942, the United States attorney for the District of Idaho filed a libel against 48 cases of canned cherries at Boise, Idaho, alleging that the article had been shipped in interstate commerce on or about January 26, 1942, by General Grocery Co. from Portland, Oreg.; and charging that it was misbranded. The article was labeled in part "White Star Brand Water Packed Red Sour Pitted Cherries Net Contents 6 Lb. 7 Ozs."

It was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations provided by law, but its quality fell below such standard because more than 15 percent by count of the cherries in the container were blemished and its label failed to bear, in such manner and form as the regulations specify, a statement that it fell below such standard.

On March 10, 1942, General Grocery Co., Inc., claimant, having consented to the entry of a decree, judgment of forfeiture was entered and the product was ordered released under bond conditioned that it be relabeled in compliance with the law.