

such manner and form as the regulations specify, a statement that it fell below such standard.

On March 10, 1942, Loveland 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 brought into compliance with the law under the supervision of the Food and Drug Administration. Subsequently it was relabeled.

3308. Misbranding of canned cherries. U. S. v. 121 Cases of Canned Cherries. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 5827. Sample No. 61542-E.)

On October 2, 1941, the United States attorney for the Eastern District of Virginia filed a libel against 121 cases, each containing 6 No. 10 cans, of cherries at Norfolk, Va., alleging that the article had been shipped on or about September 2, 1941, by Washington Packers, Inc., from Sumner, Wash.; and charging that it was misbranded. It was labeled in part: (Cans) "Inavale Brand * * * Pitted Water Pack Royal Anne Cherries."

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 November 14, 1941, Barrow-Penn & Co., Roanoke, Va., 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.

3309. Misbranding of canned cherries. U. S. v. 10 Cases and 20 Cases of Canned Cherries. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 6884. Sample Nos. 85613-E, 85614-E.)

Both lots of this product were substandard in quality because more than 15 percent of the cherries in the container were blemished. One lot was short weight; the other was labeled to indicate that it was packed in sirup, whereas it was packed in water.

On February 27, 1942, the United States attorney for the Western District of Washington filed a libel against 30 cases, each containing 6 cans, of cherries at Bellingham, Wash., alleging that the article had been shipped in interstate commerce on or about October 12 and December 17, 1941, by Silverton Canning Co. from Silverton, Oreg.; and charging that it was misbranded. It was labeled in part: (Cans) "Silver Falls Cherries Red [or "Dark Red"] Sour Pitted Choice Syrup [or "in Water"] Contents 6 Lbs. 11 Oz. [or "6 Lbs. 14 Oz.]."

The article was alleged to be misbranded (10 cases) in that the statement "Contents 6 Lbs. 14 Oz." was false and misleading as applied to an article that was short weight, and in that it was in package form and did not bear a label containing an accurate statement of the quantity of contents; (20 cases) in that the statement "Choice Syrup" was false and misleading as applied to cherries packed in water, and in that it purported to be a food for which a definition and standard of identity had been prescribed by regulations as provided by law and its label failed to bear the name of the optional liquid packing medium present in such food; and (both lots) 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 failed to bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On March 25, 1942, Lee Grocery Co., Bellingham, Wash., 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 supervision of the Food and Drug Administration.

3310. Misbranding of Peach and Pear Mix. U. S. v. 200 Cases of Peach and Pear Mix. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 6605. Sample No. 23231-E.)

Examination showed that this product consisted of pieces of peach and pear of very irregular size and shape. It also contained one or two pieces of maraschino cherry, some bits of grape, pear seeds, skin, pieces of leaves, stem particles, and bits of pear calyx.

On December 29, 1941, the United States attorney for the Eastern District of New York filed a libel against 200 cases, each containing 48 pound cans of Peach and Pear Mix at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about November 22, 1941, by the American Trading