

The article was labeled in part: "Inavale Brand Water Pack Pitted Red Tart Cherries."

On March 19, 1942, Washington Packers, Inc., claimant, having admitted the allegations of the libel as to a portion of the product, judgment was entered ordering that that portion be destroyed. The remaining portion, which had been found fit for human consumption was released to the consignee for its use.

**3535. Misbranding of canned grapefruit. U. S. v. 27½ Cases and 10 Cases of Canned Grapefruit. Decrees of condemnation. Product ordered delivered to local charitable agencies. (F. D. C. No. 6885. Sample No. 65964-E.)**

Examination showed that this product was not of Fancy quality, as labeled, because of the presence of seeds, badly disintegrated segments, and marked variation in the size of segments which were not disintegrated.

On April 15 and May 18, 1942, the United States attorney for the District of Colorado filed libels against 37½ cases, each full case containing 24 No. 2 cans, of grapefruit at Denver, Colo., which had been consigned by the First National Bank of Mission, alleging that the article had been shipped in interstate commerce on or about September 19, 1941, from McAllen, Tex.; and charging that it was misbranded. It was labeled in part: (Cans) "Full O'Life Fancy Sections Pink Grapefruit \* \* \* Brough Canning Corporation Mission Texas."

The article was alleged to be misbranded in that the term "Fancy" was false and misleading as applied to an article that was not of Fancy quality.

On April 29 and June 5, 1942, the First National Bank of Mission, Tex., owner of the product, having signed an acceptance of service and authorization for taking of final decree, judgments of condemnation were entered and the product was ordered delivered to local charitable agencies.

**3536. Adulteration of canned huckleberries. U. S. v. 20 Cases, 118 Cases, and 20 Cases of Canned Huckleberries. Default decrees of condemnation and destruction. (F. D. C. Nos. 6940, 7121, 7184. Sample Nos. 85349-E, 85391-E, 93216-E.)**

Examination showed that this product contained insect larvae.

On February 27 and April 2 and 9, 1942, the United States attorney for the District of Oregon filed libels against 138 cases each containing 6 No. 10 cans of huckleberries at Portland, and 20 cases each containing 6 No. 10 cans of huckleberries at Eugene, Oreg., alleging that the article had been shipped in interstate commerce on or about January 9, 1942, by Washington Packers, Inc., from Puyallup, Wash.; 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: (Cans) "White Star Brand Huckleberries \* \* \* Packed for General Grocery Company, Inc., Portland, Oregon."

On April 13 and May 11, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**3537. Misbranding of canned pears. U. S. v. 89 Cases of Canned Pears. Default decree of condemnation. Product ordered delivered to local charitable agencies. (F. D. C. No. 6875. Sample No. 65983-E.)**

Examination showed that this product was substandard in quality because all units were not untrimmed or so trimmed as to preserve their normal shape.

On February 17, 1942, the United States attorney for the District of Colorado filed a libel against 89 cases, each containing 24 cans, of pears at Denver, Colo., which had been consigned by the Olympia Canning Co., alleging that the article had been shipped in interstate commerce on or about August 28, 1941, from Olympia, Wash.; and charging that it was misbranded. It was labeled in part: (Cans) "Silver Band Net Weight 1 Lb. 12 Ozs. Barlett Pear Halves in Medium Syrup The Morey Mercantile Company Distributors Denver, Colo."

The article was alleged to be misbranded in that it purported to be and was represented as 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 April 18, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to local charitable agencies.