

5381. Adulteration of cherries. U. S. * * * v. 13 Cases of Canned Cherries. * * * Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7905. I. S. Nos. 6245-m, 6248-m. S. No. E-769.)

On December 6, 1916, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 13 cases of canned cherries, consigned on or about October 16, 1916, remaining unsold in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the Bay State Confectionery Co., Boston, Mass., and transported from the State of Massachusetts into the State of Maryland, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Templeman Brand Black Unpitted Cherries * * * ."

Adulteration of the article was alleged in the libel for the reason that it consisted largely of swells and springers, and contained decayed fruit with discolored spots and mold, and a decomposed vegetable matter.

On January 22, 1917, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*