

Act. The article was labeled, "13 Years Old Blue Ridge This product is a pomace and raisin distillate distilled in 1921. Color added Transferred to Charred Oak Barrels in 1931 giving this distillate certain Whiskey characteristics Bottled by The Sherwood Distilling & Distributing Co. Baltimore. Md." the words, "13 Years Old Blue Ridge * * * Whiskey", being prominently displayed.

It was alleged in the libels that the article was misbranded in that the very prominent statements on the label, "13 Years Old Blue Ridge Whiskey", were false and misleading and tended to deceive and mislead the purchaser, since they created the impression that the article was whisky, whereas it was a pomace and raisin distillate.

On June 2 and August 17, 1934, the Sherwood Distilling & Distributing Co., and Louis Mann., having appeared as claimants for the respective lots, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the claimants, upon payment of costs and the execution of bonds totaling \$2,500, conditioned that it be properly relabeled.

M. L. WILSON, *Acting Secretary of Agriculture.*

22793. Misbranding of canned cherries. U. S. v. 64 Cases of Canned Cherries. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 32774. Sample no. 68391-A.)

This case involved a shipment of canned cherries that fell below the standard established by the Secretary of Agriculture because of the presence of excessive pits and which was not labeled to indicate that it was substandard.

On May 28, 1934, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 64 cases of canned cherries at Cambridge, Mass., alleging that the article had been shipped in interstate commerce on or about March 21, April 27, and May 11, 1934, by the Geneva Preserving Co., from Geneva, N. Y., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Rival Red Sour Pitted Cherries * * * Packed for Rival Foods Inc., Cambridge, Mass."

It was alleged in the libel that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, because of the presence of an excessive number of pits and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department, indicating that it fell below such standard.

On June 20, 1934, the Geneva Preserving Co., Geneva, N. Y., claimant, having admitted the allegations of the libel and having deposited \$165 as security in lieu of bond, conditioned that the product would not be sold or otherwise disposed of contrary to the provisions of the Food and Drugs Act, judgment of condemnation was entered and it was ordered by the court that the product be released to the claimant and that the labels be obliterated and new labels affixed describing its true nature.

M. L. WILSON, *Acting Secretary of Agriculture.*

22794. Misbranding of canned cherries. U. S. v. 39 Cases of Canned Cherries. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 32778. Sample no. 71439-A.)

This case involved a shipment of "Pitted Cherries", which fell below the standard established by the Secretary of Agriculture, because of the presence of excessive pits, and which were not labeled to indicate that they were substandard.

On May 31, 1934, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 39 cases of canned cherries at Colorado Springs, Colo., consigned by the Pleasant Grove Canning Co., Orem, Utah, alleging that the article had been shipped in interstate commerce, from the State of Utah into the State of Colorado, on or about September 4, 1933, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Utah Valley Brand Red Sour Pitted Cherries Water Pack * * * Packed By Pleasant Grove Canning Co Pleasant Grove—Orem Utah."

It was alleged in the libel that the article was misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, because of the presence of an excessive number of pits, and its package or label did not bear a plain and conspicuous statement