

Corporation, Washington, D. C., was being offered for sale in the District of Columbia, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "'73 Bourbon' * * * Mill Creek Distillery Havana, Cuba."

The article was alleged to be misbranded in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement, "One Pint" on the bond label, was inconspicuous, and since the bottles contained less than 1 pint. Misbranding was alleged for the further reason that the statements, (bottle label) "Caution: This whiskey is guaranteed to be made from choicest American grain under supervision of Government inspectors and distilled by American Distillers", (bond label) "Distilled and bottled in bond * * * under Government supervision", were false and misleading, since they created the impression that the article was of domestic origin; whereas it was not, and this impression was not corrected by the inconspicuous statement on the label, "Havana, Cuba."

On August 20, 1934, the District Wholesale Corporation, Washington, D. C., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon the execution of a bond in the sum of \$500, conditioned that it be relabeled in a manner approved by this Department.

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

22942. Misbranding of canned cherries. U. S. v. 87 Cases of Canned Cherries. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 33002. Sample no. 69238-A.)

This case involved a product labeled "Pitted Cherries." Examination showed that the article contained excessive pits and was not labeled to indicate that it was substandard.

On June 26, 1934, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 87 cases of canned cherries at York, Pa., alleging that the article had been shipped in interstate commerce, on or about April 7, 1934, by the C. & H. Packing Co., Evergreen Fruit Growers Association, from Everett, Wash., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Can) "Wenatchee Brand Water Pack Pitted Red Sour Cherries * * * Packed by Everett Fruit Products Co., Everett, Wash."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, 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 September 29, 1934, a claim and answer having been filed admitting the allegations of the libel and consenting to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$600, conditioned that it be relabeled so that it comply with the provisions of the Federal Food and Drugs Act.

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

22943. Misbranding of canned apricots. U. S. v. 52 Cases of Canned Apricots. Decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 33007. Sample no. 73543-A.)

This case involved a shipment of canned apricots in which the liquid portion was found to contain insufficient sugar to bring the article up to the standard established by this Department, and which was not labeled to indicate that it was substandard.

On June 26, 1934, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 52 cases of canned apricots at Bellingham, Wash., alleging that the article had been shipped in interstate commerce, on or about September 12, 1933, by the Campbell Packing Corporation, from Campbell, Calif., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "W. G. Brand Apricots * * * Packed For Washington Grocery Co., Bellingham, Washington."