

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 since there was more than 1 pit present in each 20 ounces of canned cherries, the maximum permitted by the standard, and its label did not bear, in such manner and form as such regulations specify, a statement that it fell below such standard.

On October 5, 1942, the Spencer Packing Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration. On January 12, 1943, 41 cans of the product having been found unfit for relabeling, the court ordered them destroyed.

4805. Misbranding of canned cherries. U. S. v. 388 Cases of Canned Cherries. Decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 9479. Sample No. 24564-F.)

On March 3, 1943, the United States attorney for the District of Maryland filed a libel against 268 cases, each containing 6 cans, of cherries at Baltimore, Md. On March 26, 1943, the libel was amended to include an additional 120 cases of canned cherries. It was alleged in the libel as amended that the article had been shipped in interstate commerce on or about January 26, 1943, by the Empire State Pickling Co. from Phelps, N. Y.; and charged that it was misbranded. The article was labeled in part: (Cans) "Water Pack Silver Floss Brand Pitted Cherries Red Sour."

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 promulgated pursuant to law, and its quality fell below such standard since there was present more than 1 pit in each 20 ounces of cherries, and in that its label failed to bear a statement that it fell below such standard.

On April 20, 1943, A. J. Harris & Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

DRIED FRUITS AND FRUIT PRODUCTS

4806. Adulteration of apple chops. U. S. v. 31 Bags of Apple Chops. Default decree of condemnation and destruction. (F. D. C. No. 9446. Sample No. 20132-F.)

On February 26, 1943, the United States attorney for the District of Massachusetts filed a libel against 31 50-pound bags of apple chops at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about November 21, 1942, by Welkley Bros. from Albion, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of filthy and decomposed substances, rodent excreta, rodent hairs, and worm-eaten and decayed apple chops.

On April 26, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4807. Adulteration of raisins. U. S. v. 200 Boxes and 20 Boxes of Raisins. Decrees of condemnation. Portion of product ordered released under bond to be denatured and disposed of for purposes other than human consumption; remainder ordered destroyed. (F. D. C. Nos. 8531, 9261. Sample Nos. 5630-F, 28295-F.)

Samples of this product were found to contain weevils, beetles, pupae, larvae, and insect excreta.

On October 6, 1942, and January 29, 1943, the United States attorneys for the Eastern District of Missouri and the Middle District of Georgia filed libels against 200 boxes of raisins at St. Louis, Mo., and 20 boxes of raisins at Columbus, Ga., alleging that the article had been shipped in interstate commerce within the period from on or about December 12, 1941, to March 10, 1942, from Fresno, Calif., by the Sunland Sales Cooperative Association; and charging that it was adulterated in that it consisted in whole or in part of filthy substances. The article was labeled in part: "Sun-Maid Raisins * * * Sun-Maid Raisin Growers of California," or "Sun-Maid Bakery Type Thompson Seedless Raisins."

On February 17, 1943, the United Bakers Supply Co. of St. Louis, Mo., having appeared as claimant for the lot located there and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered