

**ALLEGED SHIPMENT:** On or about April 13, 14, and 17, 1953, from Provincetown, Mass.

**PRODUCT:** 31 5-pound cartons of frozen scallops at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed scallops. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** June 2, 1953. Default decree of condemnation and destruction. The court ordered that a portion of the product be delivered to the Department of Health, Education, and Welfare, and that the remainder be destroyed.

## FRUITS AND VEGETABLES

### CANNED FRUIT

**20821. Misbranding of canned cherries. U. S. v. 149 Cases \* \* \*. (F. D. C. No. 35626. Sample No. 76061-L.)**

**LIBEL FILED:** September 16, 1953, Southern District of New York.

**ALLEGED SHIPMENT:** On or about August 4, 1953, by Starr Foods, Inc., from Salem, Oreg.

**PRODUCT:** 149 cases, each containing 48 cans, of cherries at New York, N. Y.

**LABEL, IN PART:** (Can) "Sherman's Arcadia Brand Net Wt. 8 Oz. Avd. Dark Sweet Cherries Packed In Water No Sugar Or Salt Added \* \* \* Dietetic Pack."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned cherries since more than 15 percent by count of the cherries in the cans were blemished with skin discoloration and the label failed to bear a statement that the article fell below such standard.

**DISPOSITION:** November 30, 1953. Sherman Foods, Inc., New York, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling under the supervision of the Department of Health, Education, and Welfare.

### DRIED FRUIT

**20822. Adulteration of dates. U. S. v. 5 Butts \* \* \*. (F. D. C. No. 35079. Sample No. 65108-L.)**

**LIBEL FILED:** June 16, 1953, Western District of Wisconsin.

**ALLEGED SHIPMENT:** On or about February 22, 1952, from Chicago, Ill.

**PRODUCT:** 5 70-pound butts of dates at Fort Atkinson, Wis.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of live insects. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** July 29, 1953. Default decree of forfeiture and destruction.

**20823. Adulteration of dates. U. S. v. 3 Boxes \* \* \*. (F. D. C. No. 35054. Sample No. 20499-L.)**

**LIBEL FILED:** May 20, 1953, District of South Dakota.