

**LABEL, IN PART:** "Sea-Land Selected Blueberries."

**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 blueberries.

**DISPOSITION:** March 30 and 31, 1949. Default decrees of condemnation and destruction.

**14424. Misbranding of canned cherries. U. S. v. 408 Cases \* \* \*. (F. D. C. No. 26489. Sample Nos. 37392-K, 37399-K, 37400-K, 41201-K.)**

**LIBEL FILED:** January 31, 1949, Western District of Washington.

**ALLEGED SHIPMENT:** On or about September 17, 1948, by Reynolds Brothers, Inc., from Sturgeon Bay, Wis.

**PRODUCT:** 408 cases, each containing 6 6-pound, 9-ounce cans, of cherries at Seattle, Wash.

**LABEL, IN PART:** "Chere-Pi-Pak Reynolds Sturgeon Bay Pitted Tart Red Pie Cherries."

**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 one pit was present in each 20 ounces of canned cherries and its label failed to bear a statement that it fell below such standard.

**DISPOSITION:** March 8, 1949. Reynolds Brothers, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling, under the supervision of the Federal Security Agency.

**14425. Misbranding of canned pears. U. S. v. 450 Cases \* \* \*. (F. D. C. No. 26401. Sample No. 36570-K.)**

**LIBEL FILED:** January 12, 1949, Eastern District of New York; amended libel filed January 26, 1949.

**ALLEGED SHIPMENT:** On or about December 16, 1948, by the Apple Growers Assoc., Inc., from Hood River, Oreg.

**PRODUCT:** 150 cases, each containing 6 6-pound, 8-ounce cans, of pears at Brooklyn, N. Y.

**LABEL, IN PART:** "Silver Grille Brand Hood River Halves Bartlett Pears."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned pears since not all of the units were untrimmed or so trimmed as to preserve normal shape, and it failed to bear the substandard legend.

**DISPOSITION:** February 23, 1949. Apple Growers Assoc., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond to be relabeled, under the supervision of the Food and Drug Administration.

**14426. Misbranding of canned pears. U. S. v. 264 Cases \* \* \*. (F. D. C. No. 25733. Sample No. 48970-K.)**

**LIBEL FILED:** November 3, 1948, District of Colorado.

**ALLEGED SHIPMENT:** On or about July 3, 1948, by the Apple Growers Assoc., Inc., from Hood River, Oreg.

**PRODUCT:** 264 cases of canned pears at Denver, Colo.

**LABEL, IN PART:** "Silver Grille Brand Hood River Bartlett Pear Halves in Light Syrup Net Weight 1 Lb. 13 Oz."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the article fell below the standard of quality for canned pear halves since not all units of the article were untrimmed or so trimmed as to preserve normal shape, and its label failed to bear a statement that it fell below such standard.

**DISPOSITION:** The Apple Growers Assoc., Inc., having appeared as claimant and having filed a petition for release of the product, an order was entered on January 6, 1949, providing for the release of the product under bond for segregation, sampling, and examination by the claimant and the Federal Security Agency. On February 24, 1949, the parties having consented to the entry of a decree condemning a portion of the product and releasing the remainder, judgment was entered ordering that 166 $\frac{1}{6}$  cases be released on the ground that they were not misbranded and that the remainder of the product be condemned and released to the claimant for relabeling, under the supervision of the Federal Security Agency.

**14427. Misbranding of canned fruit cocktail. U. S. v 407 Cases \* \* \***  
(F. D. C. No. 25905. Sample No. 25731-K.)

**LABEL FILED:** November 5, 1948, District of Minnesota.

**ALLEGED SHIPMENT:** On or about September 1, 1948, by the F. G. Wool Packing Co., from San Jose, Calif.

**PRODUCT:** 407 cases, each containing 6 6-pound, 14-ounce cans, of fruit cocktail at Minneapolis, Minn.

**LABEL, IN PART:** "Monarch Fruit Cocktail Packed In Extra Heavy Syrup."

**NATURE OF CHARGE:** Misbranding, Section 403 (g) (2), the article purported to be and was represented as canned fruit cocktail, a food for which a definition and standard of identity had been prescribed by regulations, and its label failed to bear as the regulations require, the name of the optional packing medium present in the article. The label bore the statement "In Extra Heavy Syrup," whereas the article was packed in sirup designated as "heavy sirup" in such standard.

**DISPOSITION:** January 3, 1949. Reid Murdoch, a Division of Consolidated Grocers Corporation Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling, under the supervision of the Federal Security Agency.

#### DRIED FRUIT

**14428. Adulteration of dehydrated apples. U. S. v. 560 Boxes \* \* \*** (F. D. C. No. 25947. Sample No. 18653-K.)

**LABEL FILED:** November 17, 1948, Southern District of Ohio.

**ALLEGED SHIPMENT:** On or about October 25 and December 31, 1946, from Oakland, Calif.

**PRODUCT:** 560 50-pound boxes of dehydrated apples at Cincinnati, Ohio.

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

**DISPOSITION:** December 31, 1948. Default decree of condemnation and destruction.