13926. Adulteration of canned cherries. U. S. v. 699 Cases of Canned Cherries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19559. I. S. No. 15603-v. S. No. E-5121.)

On February 5, 1925, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 699 cases of canned cherries, at Pittsburgh, Pa., alleging that the article had been shipped by the Perfection Mince Meat Co., from Newark, N. Y., on or about December 3, 1924, and transported from the State of New York into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Perfection Brand Red Sour Pitted Cherries * * * Packed By Perfection Mince Meat Co., Newark, New York."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On December 10, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13927. Adulteration and misbranding of apples. U. S. v. Ezak Gorel and Aaron Siff. Pleas of guilty. Fine, $25. (F. & D. No. 19631. I. S. No. 2476-v.)

On May 8, 1925, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Ezak Gorel and Aaron Siff, formerly copartners, trading as Gorel & Siff, Pittsburgh, Pa., alleging shipment by said defendants, in violation of the food and drugs act, on or about April 16, 1924, from the State of New York into the State of Pennsylvania, of a quantity of apples which were misbranded. The article was labeled in part: "New York Standard A Grade Baldwin Apples Min. Diameter 2½ Inches, Packed By Gorel & Siff, Pittsburgh, Pa."

Adulteration of the article was alleged in the information for the reason that apples of less than 2½ inches minimum diameter and of lower grade than New York Standard A grade Baldwin apples had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and had been substituted for the said article.

Misbranding was alleged for the reason that the statement, to wit, "New York Standard A Grade Baldwin Apples Min. Diameter 2½ Inches," borne on the barrels containing the article, was false and misleading, in that the said statement represented that the article was New York Standard A grade Baldwin apples of a minimum size of not less than 2½ inches in diameter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was New York Standard A grade Baldwin apples of a minimum size of not less than 2½ inches in diameter, whereas it was not but was an inferior article composed of apples of less than 2½ inches minimum diameter and of a lower grade than New York Standard A grade Baldwin apples.

On November 30, 1925, the defendants entered pleas of guilty to the information, and the court imposed a fine of $25.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13928. Adulteration of evaporated apples. U. S. v. 69 Cases of Evaporated Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19819. I. S. No. 6286-v. S. No. C-4655.)

On February 21, 1925, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 69 cases of evaporated apples, remaining in the original unbroken packages at Hico, Tex., alleging that the article had been shipped by the Lincoln Fruit Co., from Lincoln, Ark., on or about October 4, 1924, and transported from the State of Arkansas into the State of Texas, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Evaporated Apples, Packed by Lincoln Fruit Company, Lincoln, Ark."