of the product, a decree was entered ordering that the product be released under bond conditioned that it be relabeled.

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

26059. Misbranding of canned pitted cherries. U. S. v. 44 Cases of Red Sour Pitted Cherries. Default decree of condemnation. Product delivered to charitable institutions. (F. & D. no. 37560. Sample no. 48918–B.)

This case involved canned cherries which were substandard because of the presence of excessive pits and which were not labeled to indicate that they were substandard.

On April 7, 1936, the United States attorney for the Middle District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 44 cases, each containing 6 cans of pitted cherries, at Greensboro, N. C., alleging that the article had been shipped in interstate commerce on or about March 9, 1936, by Taylor & Sledd, Inc., from Richmond, Va., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Pocahontas Brand Red Sour Pitted Cherries in Water * * * Packed for H. P. Taylor Jr., Inc. Sole Distributors Richmond, Va."

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 since it contained excessive pits, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On June 10, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be delivered to charitable institutions.

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

26060. Adulteration of dried apricots. U. S. v. 26 Cases of Dried Apricots. Default decree of condemnation and destruction. (F. & D. no. 37562. Sample no. 67809–B.)

This case involved dried apricots that were insect-infested.

On or about April 20, 1936, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 26 cases of dried apricots at Amarillo, Tex., alleging that the article had been shipped in interstate commerce on or about June 11 and December 1, 1935 [1934], by the California Packing Corporation, from Fresno, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Sterling Brand Apricots * * * California Packing Corporation * * * San Francisco, Calif."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid animal and vegetable substance.

On June 4, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

26061. Adulteration of dried pears. U. S. v. 36 Cases of Dried Pears. Default decree of condemnation and destruction. (F. & D. no. 37585. Sample no. 67813–B.)

This case involved a shipment of dried pears that were dirty and worm- and insect-infested and contained rodent excreta.

On April 13, 1936, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 36 cases of dried pears at Amarillo, Tex., alleging that the article had been shipped in interstate commerce on or about November 22, 1935, by Rosenberg Bros. & Co., from Fresno, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Iris Brand California Choice Halved Pears Rosenberg Bros. Fresno, Calif."

The article was alleged to be adulterated in that it consisted of a filthy vegetable substance.

On June 4, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

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