district court a libel praying seizure and condemnation of 850 cases of canned apricots at Seattle, Wash.; alleging that the article had been shipped in interstate commerce on or about April 28, 1938, from San Francisco, Calif., by the F. G. Wool Packing Co.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Gold Crest Brand Compote California Apricots * * * Napa Canning Company Head Office. San Francisco, Cal."; or "Fiesta Brand Compote Apricots * * * Packed by Golden State Canneries Main Office Los Angeles, Cal. [or "Ontario, Cal."]."

It was alleged to be misbranded in that it was canned food that fell below the quality and condition promulgated by the Secretary of Agriculture for such canned food, since the fruit was so soft that the pieces would lose their natural shape when the article was emptied from the can into a dish, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that such canned food fell below such standard.

On May 26, 1938, Alaska Distributors, Inc., claimant, having consented to the entry of the decree, judgment of condemnation was entered, and the product was ordered released under bond with the condition that it be relabeled.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29078. Misbranding of canned cherries. U. S. v. 308 Cases and 867 Cases of Cherries. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. Nos. 41834, 41835. Sample Nos. 41776–C, 41777–C.)

This product was substandard because it was not of standard fill, and it was not labeled to indicate that it was substandard.

On March 2, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,175 cases of cherries at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about August 16 and August 25, 1937, by the Haserot Co., from Northport, Mich.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Plymouth Rock Pitted Red Cherries * * * Distributed by Sprague, Warner & Company Chicago, Ill."

It was alleged to be misbranded in that it was canned food and fell below the standard of fill of container promulgated by the Secretary of Agriculture for such canned food, since it was not of standard fill and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard.

On June 21, 1938, the Haserot Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29079. Adulteration of strawberry jam. U. S. v. 29 Pails of Strawberry Jam. Default decree of condemnation and destruction. (F. & D. No. 42339. Sample Nos. 17656–D, 18124–D.)

This product contained moldy strawberries.

On May 9, 1938, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 29 pails of strawberry jam at San Francisco, Calif.; alleging that the article had been shipped in interstate commerce on or about April 11, 1938, from Portland, Oreg., by the Starr Fruit Products Co.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "O K Brand Pure Strawberry Jam Packed for Stiefvater's, San Francisco."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed vegetable substance.

On May 25, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*