

On September 23, 1940, the United States attorney for the Southern District of Ohio filed a libel against 174 cans of pitted sour cherries at Dayton, Ohio, alleging that the article had been shipped in interstate commerce on or about February 27 and April 5, 1939, by H. C. Hemingway & Co. from Lockport, N. Y.; and charging that it was misbranded. The article had been shipped by the Lockport Canning Co. in the name of H. C. Hemingway & Co. When so shipped it was labeled in part: "Below U. S. Standard Good Food—Not High Grade Partially Pitted." When examined by this Agency, this label had been removed and new labels had been affixed to the cans reading in part: "True Value Pitted Red Sour Cherries \* \* \* Packed for Lush's Brand Distributors, Inc."

The article was alleged to be misbranded in that its quality fell below the standard prescribed by regulations provided by law, and its package or label did not bear a plain and conspicuous statement as prescribed by such regulations indicating that it fell below such standard.

On October 31, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

**1460. Misbranding of canned cherries. U. S. v. 100 Cases of Canned Cherries. Default decree of condemnation and destruction. (F. D. C. No. 3481. Sample No. 55589-E.)**

This product was substandard because of the presence of excessive pits and was not labeled to indicate that fact.

On December 9, 1940, the United States attorney for the District of Idaho filed a libel against 100 cases of canned cherries at Boise, Idaho, alleging that the article had been shipped in interstate commerce on or about November 1, 1940, in a pool-car shipment from Portland, Oreg., for the Stayton Canning Co. of Stayton, Oreg.; and charging that it was misbranded. It was labeled in part: (Cans) "Santiam Brand Water Pack Red Sour Pitted Cherries."

The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard and its label failed to bear, in such manner and form as the regulations specify, a statement that it fell below such standard.

On January 22, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1461. Adulteration of canned huckleberries. U. S. v. 247 Cartons of Canned Huckleberries. Default decree of condemnation and destruction. (F. D. C. No. 3475. Sample No. 22112-E.)**

This product contained worms.

On December 4, 1940, the United States attorney for the Northern District of California filed a libel against 247 cases of canned huckleberries at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about November 5, 1940, by Younglove & Co., Tacoma, Wash.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Cans) "Mountain Home Brand Pastry Pack Huckleberries."

On January 28, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1462. Adulteration of canned crushed pineapple. U. S. v. 32 Cans of Crushed Pineapple. Default decree of condemnation and destruction. (F. D. C. No. 2347. Sample No. 3750-E.)**

This product contained insects and insect fragments.

On July 19, 1940, the United States attorney for the Western District of New York filed a libel against 32 cans of pineapple at Buffalo, N. Y., alleging that the article had been shipped on September 13, 1939, by Libby, McNeill & Libby from Honolulu, Hawaii; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On September 13, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1463. Adulteration of canned peas. U. S. v. 75 Cases of Canned Peas. Default decree of condemnation and destruction. (F. D. C. No. 2184. Sample No. 28304-E.)**

This product was in whole or in part decomposed.

On or about June 10, 1940, the United States attorney for the Western District of Virginia filed a libel against 75 cases of canned peas at Harrisonburg,