ingredient, and its label failed to bear, in such manner and form as such regulations specify, a statement that it fell below the standard.

On October 1 and November 8, 1943, the Perry Canning Co. having appeared as claimant for the lots at Twin Falls and Boise, and the libel proceedings against the lots at Twin Falls having been consolidated, orders were entered releasing the product under bond for sorting, repacking, and relabeling. On February 14, 1944, the Perry Canning Co., claimant, having admitted the allegations of the libel against the lot at Pocatello, judgment of condemnation was entered and the product was ordered released under bond to be relabeled in conformance with the law.

5711. Misbranding of canned cherries. U. S. v. 104 Cases of Canned Cherries. Product ordered released under bond to be sorted, repacked, and relabeled. (F. D. C. No. 10783. Sample No. 36158–F.)

On September 16, 1943, the United States attorney for the District of Idaho filed a libel against 104 cases of canned cherries at Twin Falls, Idaho, alleging that the article had been shipped in interstate commerce on or about August 6, 1943, by the John Scowcroft and Sons Co. from Ogden, Utah; and charging that it was misbranded. It was labeled in part: (Cans) "Kitchen King Brand * * * Red Sour Pitted Cherries."

The article was alleged to be misbranded in that it purported to be and was represented as canned cherries (red sour pitted), a food for which a standard of quality has been prescribed by regulations promulgated pursuant to law, but its quality fell below such standard since more than 1 pit was present in each 20 ounces as determined by the method prescribed in the regulations, and its label failed to bear, in such manner and form as the regulations specify, a statement that it fell below such standard.

On October 1, 1943, the Perry Canning Company having appeared as claimant, the product was ordered released under bond to be sorted, repacked, and relabeled under Federal supervision.

5712. Misbranding of canned pears. U. S. v. 74 Cases of Canned Pears. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 11230. Sample No. 29699–F.)

This product was packed in light sirup and not heavy sirup, as declared on the label.

On December 6, 1943, the United States attorney for the Southern District of New York filed a libel against 74 cases, each containing 24 cans, of pears at Kingston, N. Y., alleging that the article had been shipped on or about November 4, 1943, from Campbell, Calif., by the Drew Canning Co.; and charging that it was misbranded. The article was labeled in part: (Cans) "Cheerio Brand Halves Bartlett Pears in Heavy Syrup * * * Distributed By F. B. Matthews & Co., Inc. Kingston, N. Y."

The article was alleged to be misbranded in that the statement on its label "in Heavy Syrup" was false and misleading as applied to canned pears packed in sirup designated in the regulations as "light sirup."

On June 9, 1944, the Drew Canning Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Federal Security Agency.

5713. Misbranding of canned pears. U. S. v. 282 Cases of Canned Pears. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 10734. Sample No. 11947–F.)

On September 13, 1943, the United States attorney for the Western District of Oklahoma filed a libel against 282 cases, each containing 24 cans, of pears at Oklahoma City, Okla., alleging that the article had been shipped in interstate commerce on or about August 19, 1943, by the A. M. Beebe Co. from San Francisco, Calif.; and charging that it was misbranded. It was labeled in part: (Cans) "Nickey Halves in Water Bartlett Pears * * * Distributed by Chevy Chase Co. San Jose, Calif."

The article was alleged to be misbranded in that it purported to be and was represented as a food for which a standard of quality has been prescribed by regulations promulgated pursuant to law, and its quality fell below the standard since all units were not untrimmed or trimmed as to preserve normal shape, and more than 10 percent, in some cans, were crushed or broken, whereas the standard of quality for pears prescribed by the regulations provides that all