more units and more than 5 percent of the units in the container were crushed and broken, and the label failed to bear the statement that it was substandard.

DISPOSITION: August 14, 1947. Default decree of condemnation. Product ordered delivered to a charitable institution.

FROZEN FRUIT

12339. Adulteration and misbranding of frozen cherries. U. S. v. 117 Cases * * *. (F. D. C. No. 22780. Sample No. 81288–H.)

LIBEL FILED: March 28, 1947, Northern District of California.

ALLEGED SHIPMENT: On or about February 7, 1947, by the Polar Frosted Foods, Inc., from Seattle, Wash.

PRODUCT: 117 cases, each containing 24 1-pound cups, of frozen cherries at Oakland, Calif.

LABEL, IN PART: "Polar Frosted Foods Red Sour Pitted Cherries With Sugar Syrup."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), partially pitted cherries had been substituted in whole or in part for pitted cherries.

DISPOSITION: May 19, 1947. Default decree of condemnation. Product ordered delivered to a charitable institution.

12340. Adulteration and misbranding of frozen cherries. U. S. v. 50 Cases * * *. (F. D. C. No. 22908. Sample No. 81298–H.)

LIBEL FILED: April 7, 1947, Southern District of Florida.

ALLEGED SHIPMENT: On or about March 14, 1947, by Polar Frosted Foods, Inc., from Seattle, Wash.

PRODUCT: 50 cases, each containing 24 cups, of frozen cherries at Miami, Fla.

LABEL, IN PART: (Cup lid) "Polar Frosted Foods Red Sour Pitted Cherries with Sugar Syrup Net Weight 1 Lb. Avoir. Packed by S. A. Moffett Co., Seattle, Wn."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), partially pitted cherries had been substituted in whole or in part for pitted cherries.

Misbranding, Section 403 (a), the label statement "Red Sour Pitted Cherries" was false and misleading as applied to partially pitted cherries.

DISPOSITION: August 29, 1947. Wholesale Dairy Products, Inc., Miami, Fla., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, for relabeling under the supervision of the Federal Security Agency.

12341. Adulteration and misbranding of frozen raspberries. U. S. v. 67 Cases, etc. (F. D. C. No. 23076. Sample Nos. 84851–H to 84854–H, incl.)

LIBEL FILED: June 13, 1947, Western District of New York.

ALLEGED SHIPMENT: On or about July 19, 23, and 25, 1946, by Todkill & Chapman, from North East, Pa.

PRODUCT: 137 cases of frozen black raspberries and 284 cases of frozen red raspberries at Buffalo, N. Y. Each case contained 18 1-pound cups or 24 12-ounce cups of berries. The 137 cases of frozen black raspberries and 156 cases of the red raspberries were labeled "Strawberries." The black raspberries were in part decomposed. The remaining 128 cases of red raspberries were properly labeled, but contained insects.

LABEL, IN PART: "Dulany Quality Frosted Whole Strawberries with Sugar," or "Dulany Quality Frosted Raspberries with Sugar."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), (137 cases) the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed black raspberries, and (128 cases) of a filthy substance by reason of the presence of insects.

Misbranding, Section 403 (a), (293 cases) the label statement "Frosted Whole Strawberries with Sugar" was false and misleading as applied to frozen black raspberries and to frozen red raspberries.

DISPOSITION: July 7, 1947. Default decree of condemnation and destruction.