

2447. Misbranding of canned peaches. U. S. v. 94 Cases of Canned Peaches. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 6003. Sample No. 70107-E.)

Examination of this product showed that it consisted of peach halves of which the units were of mixed sizes and were unevenly trimmed.

On October 9, 1941, the United States attorney for the Middle District of North Carolina filed a libel against 94 cases, each containing 24 cans, of peaches at Sanford, N. C., alleging that the article had been shipped on or about September 4, 1941, by the Holloway Canning Co. from Meansville, Ga.; and charging that it was misbranded. It was labeled in part: (Cans) "Halves Alimosa Yellow Georgia Freestone Peaches in Light Syrup Contents 1 Lb. 12 Oz."

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 October 23, 1941, the Holloway Canning 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 the Food and Drug Administration.

Nos. 2448 to 2450 report the seizure and disposition of canned peaches that were substandard in that (1) they consisted of peach halves of which the weight of some units was less than $\frac{3}{8}$ ounce (the minimum required weight); (2) the weight of the largest unit in the container was more than twice the weight of the smallest unit; and (3) the units were not so trimmed as to preserve their normal shape. These products did not bear on their labels the substandard legend required by law.

2448. Misbranding of canned peaches. U. S. v. 950 Cases of Canned Peaches. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 5649. Sample No. 48188-E.)

On or about September 10, 1941, the United States attorney for the Southern District of Florida filed a libel against 950 cases, each containing 24 cans, of peaches at Jacksonville, Fla., alleging that the article had been shipped on or about July 28, 1941, by Pomona Products Co. from Griffin, Ga.; and charging that it was misbranded. It was labeled in part: (Cans) "Sunshine Brand Contents 1 Lb. 13 Oz. Halves Yellow Free Peaches in Light Syrup."

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 September 20, 1941, Pomona Products 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 Food and Drug Administration.

2449. Misbranding of canned peaches. U. S. v. 42 Cases of Canned Peaches. Default decree of condemnation and destruction. (F. D. C. No. 5943. Sample No. 59435-E.)

On October 2, 1941, the United States attorney for the Eastern District of Virginia filed a libel against 42 cases, each containing 24 cans, of peaches at Norfolk, Va., alleging that the article had been shipped on or about September 6, 1941, by Cherokee Products Co. from Haddock, Ga.; and charging that it was misbranded. It was labeled in part: (Cans) "O'Sage Brand Yellow Freestone Peaches Halves in Light Syrup Contents 1 Lb. 12 Ozs."

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 did not bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On October 30, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2450. Misbranding of canned peaches. U. S. v. 337 Cases of Canned Peaches. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 5815. Sample No. 48198-E.)

On September 22, 1941, the United States attorney for the Southern District of Florida filed a libel against 337 cases, each containing 24 cans, of peaches

at Jacksonville, Fla., alleging that the article had been shipped on or about July 17 and 18, 1941, by J. W. Holloway, Jr., from Andersonville, Ga.; and charging that it was misbranded. It was labeled in part: (Cans) "Contents 1 Lb. 13 Ozs. Big Ben Brand Halves White Freestone Peaches in Light Syrup Packed by Easterlin Packing Co. Andersonville, Ga."

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 did not bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On October 24, 1941, J. W. Holloway, Jr., 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 Food and Drug Administration.

CANNED VEGETABLES

2451. Misbranding of canned corn. U. S. v. 768 Cases of Canned Corn. Judgment of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 4308. Sample No. 40579-E.)

Examination of this product showed some of it to be Grade B and some of it Grade C corn instead of Fancy and Grade A as represented on the label.

On April 14, 1941, the United States attorney for the Eastern District of Pennsylvania filed a libel (amended May 16, 1941) against 768 cases, each containing 24 No. 2 cans, of corn at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about February 5, 1941, by Ladoga Canning Co. from Indianapolis, Ind.; and charging that it was misbranded. The article was labeled in part: "Asco Brand Country Gentleman Fancy White Sugar Corn Cream Style * * * Grade A."

It was alleged to be misbranded in that the statements "Fancy" and "Grade A," appearing on the labels, were false and misleading as applied to Grade B and Grade C corn.

On October 30, 1941, American Stores Co., Philadelphia, Pa., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled in compliance with the law.

2452. Misbranding of canned corn. U. S. v. 24 Cases of Canned Corn. Default decree of condemnation and destruction. (F. D. C. No. 4973. Sample No. 42424-E.)

This product was represented on the label to be of Fancy quality, but fell below that grade because of over maturity of the kernels and the presence of pieces of cob and husk. It also failed to meet certain other labeling requirements of the law.

On June 24, 1941, the United States attorney for the Western District of Pennsylvania filed a libel (which was amended on July 3, 1941) against 24 cases, each containing 24 No. 2 cans, of corn at Pittsburgh, Pa., alleging that the article had been shipped on or about April 5, 1941, by the Snider Packing Corporation from Albion, N. Y.; and charging that it was misbranded. It was labeled in part: "Melt-A-Way Country Gentleman Corn."

The article was alleged to be misbranded (1) in that the statement "Fancy Quality" was false and misleading since it was not of Fancy quality; (2) in that the vignette of an ear of white corn with even rows of kernels was false and misleading since Country Gentleman corn is not in even rows; and (3) in that it purported to be a food for which a definition and standard of identity had been prescribed by regulations as provided by law, but its label failed to bear the name of the food specified in the definition and standard (white sweet corn, white corn, or white sugar corn) and the common name of the optional ingredient (cream style or crushed) as provided by the definition and standard.

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

2453. Misbranding of canned lima beans. U. S. v. 71 Cases of Canned Lima Beans. Default decree of condemnation and destruction. (F. D. C. No. 5143. Sample No. 42435-E.)

This product was falsely represented to be of Fancy quality.

On July 14, 1941, the United States attorney for the Western District of Pennsylvania filed a libel against 71 cases, each containing 24 No. 2 cans, of lima beans at Pittsburgh, Pa., alleging that the article had been shipped on or about February 25, 1941, by Brakeley Canning Co. from Bordentown, N. J.; and charging that it