

in the 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 November 24, 1941, Southern State 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.

2917. Misbranding of canned peaches. U. S. v. 397 Cases and 100 Cases of Canned Peaches. Consent decrees of condemnation. Product ordered released upon deposit of collateral. (F. D. C. Nos. 6340, 6341. Sample No. 87234-E.)

This product fell below the standard of quality for canned peaches because all of the peaches were not tender, they were of mixed sizes, and they were unevenly trimmed.

On December 4, 1941, the United States attorney for the Southern District of West Virginia filed libels against 497 cases, each containing 24 cans, of peaches at Charleston, Beckley, and Oak Hill, W. Va., alleging that the article had been shipped on or about October 16, 1941, by Ikenberry Canning Co. from Daleville, Va.; and charging that it was misbranded. It was labeled in part: (Cans) "Southern Beauty Brand * * * Peaches."

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 December 8, 1941, Ikenberry Canning Co., claimant, having admitted the allegations of the libels, judgments were entered ordering that the product be released upon deposit of collateral conditioned that it be relabeled under the supervision of the Food and Drug Administration.

2918. Misbranding of canned peaches. U. S. v. 338 Cases of Canned Peaches. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 5997. Sample No. 11328-E.)

This product fell below the standard of quality for canned peaches because the halves were smaller than the minimum size prescribed for peach halves of standard quality, and they were of mixed sizes and were unevenly trimmed.

On October 8, 1941, the United States attorney for the Southern District of Texas filed a libel against 338 cases, each containing 24 No. 2 cans, of peaches at Houston, Tex., alleging that the article had been shipped on or about August 27, 1941, by Roberts Bros., Inc., from Americus, Ga.; and charging that it was misbranded. It was labeled in part: "Oak Grove Brand * * * Peaches."

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 in that (1) the weight of some units was less than $\frac{3}{8}$ ounce; (2) the weight of the largest unit in the container was more than twice the weight of the smallest unit therein; and (3) all units were not untrimmed or so trimmed as to preserve their normal shape; and its label failed to bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On December 8, 1941, Roberts Bros., Inc., 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.

2919. Misbranding of canned pears. U. S. v. 100 Cases and 98 Cases of Canned Pears. Consent decrees of condemnation. Product ordered released under bond to be relabeled. (F. D. C. Nos. 3532, 6047. Sample Nos. 32711-E, 53632-E.)

Examination showed that this product was substandard because the weight of the largest unit in the container was more than twice the weight of the smallest unit; more than 20 percent of the units in the container were discolored; and all units were not untrimmed or so trimmed as to preserve their normal shape.

On December 17, 1940, and October 24, 1941, the United States attorneys for the District of Massachusetts and the Eastern District of Pennsylvania filed libels against 100 cases each containing 24 cans of pears at Boston, Mass., and 98 cases each containing 24 cans of pears at Philadelphia, Pa., alleging that the article had been shipped on or about November 14, 1940, and September 30, 1941, by the Empire Freight Co. from Los Angeles, Calif.; and charging that it was misbranded