

4405. Misbranding of canned peaches. U. S. v. 95 Cases of Canned Peaches. Default decree of condemnation and destruction. (F. D. C. No. 8609. Sample No. 29032-F.)

On October 20, 1942, the United States attorney for the Eastern District of South Carolina filed a libel against 95 cases, each containing 24 cans, of peaches at Charleston, S. C., alleging that the article had been shipped in interstate commerce on or about July 30 and August 4, 1942, by the Easterlin Packing Co. from Andersonville, Ga.; and charging that it was misbranded. The article was labeled in part: (Cans) "Flint River Brand Yellow Freestone Halves Peaches."

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 had been prescribed by regulations as promulgated pursuant to law, but it fell below such standard, which requires that all peach units tested in accordance with the method therein prescribed are pierced by a weight of not more than 300 grams, that not more than 20 percent of the units in the container should be blemished with scab, hail injury, discoloration, or other abnormality, and that the peach halves should be 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 30, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4406. Misbranding of canned peaches. U. S. v. 664 Cases of Canned Peaches. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 8695. Sample No. 17992-F.)

On November 4, 1942, the United States attorney for the District of New Jersey filed a libel against 664 cases, each containing 24 cans, of peaches at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about September 3, 1942, by the Steinfeldt-Thompson Co. from Adel, Ga.; and charging that it was misbranded. The article was labeled in part: "Golden Harvest Brand Sun Ripened Yellow Freestone Peaches."

It was alleged to be misbranded in that it purported to be and was represented as a food for which a standard of quality had been prescribed by regulations promulgated pursuant to law, but it fell below such standard since it failed to meet the test for tenderness described 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 December 31, 1942, Maurice I. Steinfeldt, trading as Steinfeldt-Thompson 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.

4407. Misbranding of canned peaches. U. S. v. 123 Cases of Canned Peaches. Consent decree of condemnation. Product released under bond for relabeling. (F. D. C. No. 8201. Sample No. 28411-F.)

On August 24, 1942, the United States attorney for the Eastern District of South Carolina filed a libel against 123 cases, each case containing 24 cans, of peaches at Orangeburg, S. C., alleging that the article had been shipped in interstate commerce on or about July 31, 1942, by the Southern States Canning Co., from Ft. Valley, Ga.; and charging that it was misbranded. The article was labeled in part: (Cans) "Oak Hill White Freestone Peaches."

It was alleged to be misbranded in that it purported to be and was represented as a food for which a standard of quality had been prescribed by regulations promulgated pursuant to law and it fell below such standard since all units tested in accordance with the method prescribed in such regulation were not pierced by a weight of not more than 300 grams, the measure of tenderness provided by the standard.

On November 14, 1942, the Southern States 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 Food and Drug Administration.

4408. Misbranding of canned pears. U. S. v. 175 Cases of Canned Pears. Decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 8886. Sample No. 22421-F.)

On November 18, 1942, the United States attorney for the Eastern District of Pennsylvania filed a libel against 175 cases, each containing 24 cans, of pears