

Portions of the article were alleged to be misbranded in that the statement "Contents 1 Pint" was false and misleading as applied to an article that was short volume. The remainder of the article was alleged to be misbranded in that the statement on the jars "Cont. 8 ozs." was false and misleading since it was a gross understatement. Both lots were alleged to be misbranded further in that they were in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

On April 12, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5203. Adulteration of pumpkin seeds. U. S. v. 16 Bags of Pumpkin Seeds. Default decree of condemnation and destruction. (F. D. C. No. 10024. Sample Nos. 14357-F, 14358-F.)

This product was stored under insanitary conditions after shipment in interstate commerce, the plant of the consignee being badly over-run with rodents. Rodent pellets were found on at least half of the bags, and one bag appeared to have been chewed by rodents.

On May 26, 1943, the United States attorney for the Southern District of California filed a libel against 16 100-pound bags of pumpkin seeds at Los Angeles, Calif., in the possession of La Victoria Packing Co., alleging that the article had been shipped in interstate commerce on or about May 7, 1943, from El Paso, Tex.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance, rodent pellets and rodent hairs, and in that had been held under insanitary conditions whereby it may have become contaminated with filth.

On June 17, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

FRUIT AND VEGETABLES*

CANNED FRUIT

5204. Misbranding of canned apricots. U. S. v. 499 Cases of Canned Apricots. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 10026. Sample No. 11303-F.)

On May 27, 1943, the United States attorney for the Western District of Pennsylvania filed a libel against 499 cases, each containing 24 cans, of apricots at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about May 13, 1943, by Francis H. Leggett & Co. from Alameda, Calif.; and charging that it was misbranded. The article was labeled in part: (Cans) "Unpeeled Halves Apricots Sunbeam."

It was alleged to be misbranded in that it purported to be and was represented as a food for which a definition and standard of identity had been prescribed by regulations promulgated pursuant to law but its label failed to bear, as such regulations require, the name of the optional packing medium present, light sirup.

On July 1, 1943, Francis H. Leggett and Co. having appeared as claimant and having admitted the allegations of the libel and 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 Food and Drug Administration.

5205. Misbranding of canned apricots. U. S. v. 499 Cases of Canned Apricots. Decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 9879. Sample No. 11274-F.)

This product was packed in light sirup.

On May 3, 1943, the United States attorney for the Western District of Washington filed a libel against 499 cases, each containing 24 cans, of apricots at Tacoma, Wash., alleging that the article had been shipped in interstate commerce on or about April 1, 1943, by the A. M. Beebe Co., Inc., from Alameda, Calif.; and charging that it was misbranded. The article was labeled in part: (Cans) "Kings Delight Halves Unpeeled Apricots In Medium Syrup * * * Kings County Packing Co. Ltd. Distributors, San Francisco Armona California." On some labels the statement "In Medium Syrup" had been obliterated.

The article was alleged to be misbranded in that the statement "In Medium Syrup" appearing on the labels of some of the cans was false and misleading as applied to canned apricots packed in light sirup, and in that the article pur-

* See also No. 5026.

ported to be and was represented as a food for which a definition and standard of identity had been prescribed by regulations promulgated pursuant to law and its label failed to bear, as such regulations require, the name of the optional packing medium present in such food, light sirup.

On May 24, 1943, the Standard Grocery Co. of Tacoma, Wash., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond for relabeling in order to bring it into compliance with the law.

5206. Adulteration of canned blackberries. U. S. v. 185 Cases of Canned Blackberries. Default decree of condemnation and destruction. (F. D. C. No. 9815. Sample No. 28942-F.)

On April 21, 1943, the United States attorney for the Northern District of Georgia filed a libel against 185 cases, each containing 6 No. 10 cans, of blackberries at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about February 8, 1943, by the Mount Airy Canning Co. from Mount Airy, N. C.; and charging that it was adulterated in that it consisted in whole or in part of filthy substances, larvae and insects, and a decomposed substance, moldy berries. The article was labeled in part: (Cans) "Carolina Beauty Blackberries."

On May 11, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5207. Misbranding of canned peaches. U. S. v. 28 Cartons of Canned Peaches. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 9949. Sample No. 45089-F.)

On May 20, 1943, the United States attorney for the Southern District of New York filed a libel against 28 cartons, each containing 24 cans, of peaches at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about February 27, 1943, by the Sebastiani Canning Co. from Grand Junction, Colo.; and charging that it was misbranded. The article was labeled in part: (Cans) "Co-Op Elberta Peaches * * * In Heavy Syrup * * * Packed For National Co-Operatives Inc. Chicago Illinois."

It was alleged to be misbranded in that the statements, "In Heavy Syrup" (main panel) and "Syrup . . . Heavy" (side panel), were false and misleading as applied to the article, since it was packed in light sirup.

On July 1, 1943, Eastern Cooperative Wholesale, Inc. of Brooklyn, N. Y., claimant, having admitted the allegations of the libel and 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 Food and Drug Administration.

5208. Misbranding of canned peaches. U. S. v. 431 Cases of Canned Peaches. Decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 9931. Sample No. 12562-F.)

On May 12, 1943, the United States attorney for the Western District of Washington filed a libel against 431 cases, each containing 24 cans, of peaches at Tacoma, Wash., alleging that the article had been shipped in interstate commerce on or about April 5, 1943, by Ray Chatfield, from Turlock, Calif.; and charging that it was misbranded. The article was labeled in part: (Cans) "Golden State Halves Yellow Cling Peaches * * * Visalia Canning Co. Visalia, Calif. Mel-Williams Company San Francisco California Distributors."

The article was alleged to be misbranded in that it purported to be and was represented as a food for which a definition and standard of identity had been prescribed by regulations promulgated pursuant to law but its label failed to bear, as such regulations require, the name of the optional packaging medium present in such food, light sirup.

On June 11, 1943, the Standard Grocery Co. of Tacoma, Wash., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

5209. Misbranding of canned peaches. U. S. v. 26 Cases of Canned Peaches. Default decree of condemnation. Product ordered delivered to a welfare organization. (F. D. C. No. 9775. Sample No. 10971-F.)

On April 8, 1943, the United States attorney for the Southern District of Ohio filed a libel against 26 cases, each containing 72 cans, of sliced peaches at Cincinnati, Ohio, which had been consigned on or about March 16, 1943, alleging that the article had been shipped in interstate commerce by Stokeley Brothers