

## FRUITS AND VEGETABLES

## CANNED FRUIT

**6300. Misbranding of canned cherries. U. S. v. 46 Cases of Canned Cherries. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 11520. Sample No. 36497-F.)**

**LIBEL FILED:** December 30, 1943, District of Nebraska.

**ALLEGED SHIPMENT:** On or about November 22, 1943, by the Delta County Canning Co., Delta, Colo.

**PRODUCT:** 46 cases, each containing 6 No. 10 cans, of cherries, at Scottsbluff, Nebr.

**LABEL, IN PART:** "Town Talk Red Sour Pitted Cherries."

**VIOLATION CHARGED:** Misbranding, Section 403 (h) (1), the quality of the product fell below the standard for canned cherries prescribed by the regulations, since more than 1 pit was present in each 20 ounces of the article, and its label failed to bear, in such manner and form as the regulations specify, a statement that it fell below the standard.

**DISPOSITION:** January 31, 1944. The Delta County Canning Co., of Delta, Colo., having appeared as claimant and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling in compliance with the law.

**6301. Misbranding of canned cherries. U. S. v. 49 Cases of Cherries. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 11019. Sample No. 29741-F.)**

**LIBEL FILED:** November 8, 1943, Northern District of Texas.

**ALLEGED SHIPMENT:** On or about October 16, 1943, by the Fruitvale Canning Co., Oakland, Calif.

**PRODUCT:** 49 cases, each containing 24 cans, of cherries at Amarillo, Tex.

**LABEL, IN PART:** "Royal Anne Brimfull Brand Light Sweet Cherries."

**VIOLATION CHARGED:** Misbranding, Section 403 (h) (1), the quality of the product fell below the standard for canned cherries prescribed by the regulations, because more than 15 percent by count of the cherries in the container were blemished, and its label did not bear the substandard legend.

**DISPOSITION:** January 12, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

**6302. Misbranding of canned cherries. U. S. v. 99 Cases of Canned Cherries. Decree ordering the release of the product under bond for relabeling. (F. D. C. No. 11079. Sample No. 29746-F.)**

**LIBEL FILED:** November 24, 1943, Eastern District of Washington.

**ALLEGED SHIPMENT:** On or about October 8, 1943, by the Independent Grocers Alliance Distributing Co., Alameda, Calif.

**PRODUCT:** 99 cases, each containing 48 cans, of cherries.

**LABEL, IN PART:** (Cans) "Hunt's Superior Quality Royal Ann Light Sweet Cherries \* \* \* In Heavy Syrup Packed By Hunt Brothers Packing Company Main Office San Francisco Calif."

**VIOLATION CHARGED:** Misbranding, Section 403 (a), the statement appearing on the label of the article, "In Heavy Syrup," was false and misleading as applied to the canned cherries, which were packed in light sirup.

**DISPOSITION:** January 4, 1944. The Hunt Brothers Packing Co., claimant, having admitted the allegations in the libel, judgment was entered, ordering that the product be released under bond to be relabeled under the supervision of the Food and Drug Administration.

**6303. Misbranding of canned fruit cocktail. U. S. v. 217 Cases of Canned Fruit Cocktail. Default decree of condemnation and destruction. Amended decree entered, ordering the product released under bond for relabeling. (F. D. C. No. 11188. Sample No. 29749-F.)**

**LIBEL FILED:** November 26, 1943, Western District of New York.

**ALLEGED SHIPMENT:** On or about October 27, 1943, by the Independent Grocers Alliance Distributing Co., from Oakland, Calif.