

LABEL, IN PART: (Cans) "Royal Brand * * * Dark Sweet Pitted Cherries," or "Little Boy Blue Light Sweet Pitted Cherries in Medium Syrup."

VIOLATIONS CHARGED: Misbranding (both lots), Section 403 (a) (1), the article purported to be and was represented as pitted canned cherries, a food for which a standard of quality has been prescribed by regulations, but its quality fell below the standard since more than 1 pit was present to each 20 ounces of the article, and its label failed to bear, as the regulations specify, a statement that it fell below the standard; (Boise lot) Section 403 (g) (2), the article purported to be and was represented as canned cherries, a food for which a definition and standard of identity has been prescribed by regulations, but its label failed to bear the name of the optional packing medium, since the article was labeled as being packed "in Medium Syrup," whereas a portion was packed in heavy sirup and the remainder in extra heavy sirup; Section 403 (a), the statement "Light Sweet * * * Cherries," which appeared on the label of the article, was false and misleading as applied to a portion of the product, which contained dark sweet cherries; and (Tacoma lot) the statement "Pitted Cherries" was false and misleading as applied to the portion of the product which was unpitted.

DISPOSITION: April 12 and 28, 1944. The Royal Canning Corporation, claimant, having consented to the entry of a decree, judgments of condemnation were entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

6507. Misbranding of canned cherries. U. S. v. 31 Cases of Canned Cherries. Decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 11700. Sample No. 57946-F.)

LIBEL FILED: February 11, 1944, District of Colorado.

ALLEGED SHIPMENT: On or about December 2, 1943, by the Starr Fruit Products Co., from Portland, Oreg.

PRODUCT: 31 cases, each containing 24 1-pound, 14-ounce cans, of cherries at Denver, Colorado.

LABEL, IN PART: (Cans) "Starr Brand * * * Dark Sweet Black Cherries."

VIOLATION CHARGED: Misbranding, Section 403 (g) (2), the article purported to be and was represented as canned cherries, a food for which a definition and standard of identity has been prescribed by regulations, but its label failed to bear, as prescribed by the regulations, the name of the optional packing medium present in the food.

DISPOSITION: April 11, 1944. The McDonald, Andrews Co., Portland, Oreg., 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.

6508. Adulteration of figs. U. S. v. 15 Bags of Figs. Decree ordering product destroyed. (F. D. C. No. 11919. Sample No. 50266-F.)

LIBEL FILED: February 29, 1944, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about April 22, 1941, by the Harborside Warehouse, from Jersey City, N. J.

PRODUCT: 15 bags, each containing approximately 30 pounds, of figs at Pittsburgh, Pa.

Examination showed that the product was moldy and fermented.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: March 2, 1944. The consignee having consented to the entry of a decree, an order for the immediate destruction of the product was issued.

6509. Misbranding of canned peaches. U. S. v. 750 Cases and 199 Cases of Canned Peaches. Decrees of condemnation. Product ordered released under bond to be relabeled. (F. D. C. Nos. 11699, 11948. Sample Nos. 60263-F, 70406-F.)

LIBELS FILED: On or about February 3 and March 6, 1944, District of Oregon and Western District of New York.

ALLEGED SHIPMENT: From on or about November 20, 1943, to February 12, 1944, by the Hunt Brothers Packing Co., Hayward, Calif., and Puyallup, Wash.

PRODUCT: 199 cases at Buffalo, N. Y., and 750 cases at Portland, Oreg., each case containing 24 cans of peaches.