

**DISPOSITION:** November 27, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

**7269. Misbranding of canned apricots. U. S. v. 98 Cases of Canned Apricots. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14149. Sample No. 73462-F.)**

**LIBEL FILED:** On or about November 3, 1944, District of Kansas.

**ALLEGED SHIPMENT:** On or about September 15, 1944, by the Drew Canning Co., Oakland, Calif.

**PRODUCT:** 98 cases, each containing 24 1-pound, 13-ounce cans, of apricots, at Witchita, Kans.

**LABEL, IN PART:** "Harvest Home Brand Unpeeled Halves Apricots packed in Heavy Syrup."

**VIOLATION CHARGED:** Misbranding, Section 403 (g) (2), the article failed to bear, as required by the regulations for canned apricots, the name of the optional packing medium present in the food, since the label bore the statement "Packed in Heavy Syrup," whereas the article was packed in light sirup.

**DISPOSITION:** November 3, 1944. The Jett & Wood Mercantile Co., Wichita, Kans., claimant, having admitted the allegations of misbranding in the libel, judgment of condemnation was entered and the product was ordered delivered to a charitable institution. On December 8, 1944, a decree was entered ordering the product released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

**7270. Misbranding of canned apricots. U. S. v. 149 Cases of Canned Apricots. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13296. Sample No. 73417-F.)**

**LIBEL FILED:** August 22, 1944, Eastern District of Missouri.

**ALLEGED SHIPMENT:** On or about August 7, 1944, by the Mel-Williams Co., from Oakland, Calif.

**PRODUCT:** 149 cases, each containing 24 cans, of apricots, at St. Louis, Mo.

**LABEL, IN PART:** "Hunt's Supreme Quality Fancy Halves Unpeeled Apricots \* \* \* Contents 1 Lb. 14 Oz."

**VIOLATION CHARGED:** Misbranding, Section 403 (a), the label statement, "in extra heavy syrup," was false and misleading as applied to an article packed in heavy sirup.

**DISPOSITION:** January 8, 1945. The Kroger Grocery & Baking Co., a corporation, St. Louis, Mo., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be destroyed or brought into compliance with the law, under the supervision of the Food and Drug Administration.

**7271. Misbranding of canned cherries. U. S. v. 55 Cases of Canned Cherries. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13754. Sample No. 73449-F.)**

**LIBEL FILED:** September 29, 1944, Southern District of Ohio.

**ALLEGED SHIPMENT:** On or about September 2, 1944, by the A. M. Beebe Co., San Francisco, Calif.

**PRODUCT:** 55 cases, each containing 24 1-pound, 14-ounce cans, of cherries, at Columbus, Ohio.

**LABEL, IN PART:** "Felice Fancy Light Sweet Royal Anne Cherries In Extra Heavy Syrup."

**VIOLATION CHARGED:** Misbranding, Section 403 (g) (2), the article failed to bear, as required by the regulations, a label containing the name of the optional packing medium, since the label bore the statement "In Extra Heavy Syrup," whereas the article was packed in sirup designated in the regulations as "Heavy Sirup."

**DISPOSITION:** October 18, 1944. Walter English, Columbus, Ohio, claimant, having admitted the allegations in the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Federal Security Agency.