

**ALLEGED SHIPMENT:** Between the approximate dates of October 31, 1945, and January 24, 1946, by the American Home Foods, Inc., Clapp's Baby Food Division, from Rochester, N. Y.

**PRODUCT:** 38 cases at Pittsburgh, Pa., and 66 cases at Minneapolis, Minn., each case containing 72 cans of strained peaches.

**LABEL, IN PART:** "Clapp's Strained Baby Foods Strained Peaches \* \* \* Net Weight 4½ Oz."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of larvae and insect parts.

**DISPOSITION:** April 29 and May 6 and 15, 1946. No claimant having appeared, judgments were entered ordering that the Pittsburgh lots be condemned and destroyed, and that the Minneapolis lot be destroyed unless reprocessed for, and disposed of as, animal feed.

**9504. Misbranding of canned peaches. U. S. v. 198 Cases of Canned Peaches. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 18332. Sample No. 7311-H.)**

**LIBEL FILED:** On or about November 9, 1945, District of New Jersey.

**ALLEGED SHIPMENT:** On or about September 1, 1945, by the Ver-Nal Canning Co., from Ripon, Calif.

**PRODUCT:** 198 cases, each containing 24 1-pound, 13-ounce cans, of peaches at Newark, N. J.

**LABEL, IN PART:** "La Signora Brand \* \* \* Elberta Halves Yellow Peaches."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the product failed to conform to the standard of quality for canned peaches since the weight of the largest unit in the container was more than twice the weight of the smallest unit; since more than 20 percent of the units in the container were blemished; and since the product was not labeled as substandard.

**DISPOSITION:** March 26, 1946. The Caruso Products Distributing Corporation, Newark, N. J., 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.

**9505. Misbranding of canned peaches. U. S. v. 48 Cases of Canned Peaches. Default decree of condemnation. Product ordered delivered to a public institution. (F. D. C. No. 18389. Sample No. 1313-H.)**

**LIBEL FILED:** November 19, 1945, Southern District of Florida.

**ALLEGED SHIPMENT:** On or about August 22, 1945, by Parrott and Co., from Thornton, Calif.

**PRODUCT:** 48 cases, each containing 6 6-pound, 7-ounce cans, of peaches at Jacksonville, Fla. Examination showed that the peaches consisted of peeled, mixed pieces of irregular sizes and shapes, packed in water.

**LABEL, IN PART:** (Cases) "Unl. Reg. Pie Y. C. Peaches Lt. Syrup." The cans were unlabeled when shipped.

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the label of statement "Lt. Syrup" was false and misleading as applied to an article packed in water; Section 403 (e), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; and, Section 403 (g) (2), the label of the article failed to bear, as required by the regulations prescribing a definition and standard of identity for canned peaches, the name of the food, preceded or followed by the name of the optional peach ingredient present, as well as the name of the optional packing medium present.

**DISPOSITION:** February 9, 1946. No claimant having appeared, judgement of condemnation was entered and the product was ordered delivered to a public institution.

**9506. Misbranding of canned peaches. U. S. v. 27 Cases of Canned Peaches. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 18708. Sample No. 30039-H.)**

**LIBEL FILED:** January 2, 1946, Eastern District of New York.

**ALLEGED SHIPMENT:** On or about October 30, 1945, from San Francisco, Calif., by the Sunset Fruit Co.

**PRODUCT:** 27 cases, each containing 6 6-pound, 10-ounce cans, of peaches at Brooklyn, N. Y.

**LABEL, IN PART:** "Baker's Best Brand Solid Pack Yellow Cling Peaches \* \* \* Packed By Harter Packing Company Yuba City California."

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the label statement, "Solid Pack Yellow Cling Peaches," was false and misleading as applied to the product, which consisted of halves of peaches packed in water; and, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned peach halves since the standard requires that all units be untrimmed, or so trimmed as to preserve their normal shape, whereas all peach units of the article were not untrimmed, or so trimmed as to preserve their normal shape, and the label failed to bear a statement that the product fell below the standard.

**DISPOSITION:** May 15, 1946. The Harter Packing 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 Federal Security Agency.

**9507. Misbranding of canned pears. U. S. v. 65 Cases of Canned Pears. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 18836. Sample No. 882-H.)**

**LIBEL FILED:** January 11, 1946, Middle District of Georgia.

**ALLEGED SHIPMENT:** On or about November 7, 1945, by Schuckl and Co., Inc., from Sunnyvale, Calif.

**PRODUCT:** 65 cases, each containing 24 1-pound, 12-ounce cans, of pears at Albany, Ga.

**LABEL, IN PART:** "Regular Brand Halved Bartlett Pears."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the product was below standard in quality since all the pear units were not untrimmed, or so trimmed as to preserve their normal shape, and the label failed to bear a substandard legend, as is required by the regulations.

**DISPOSITION:** February 6, 1946. The C. D. Kenny Division, Consolidated Grocers Corporation, Baltimore, Md., claimant, having consented to the entry of a decree, 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.

#### DRIED FRUIT

**9508. Adulteration of dried fruit. U. S. v. Albert Asher (Albert Asher Co.). Plea of nolo contendere. Fine, \$250. (F. D. C. No. 18591. Sample Nos. 60643-F, 60648-F, 70646-F, 73006-F, 83555-F.)**

**INFORMATION FILED:** January 14, 1946, Northern District of California, against Albert Asher, trading as the Albert Asher Co., San Francisco, Calif.

**ALLEGED SHIPMENT:** Between the approximate dates of April 1 and October 20, 1944, from the State of California into the States of Nevada and Washington.

**LABEL, IN PART:** (Portion) "Santa Clara Prunes," "Bon Ton California Santa Clara Prunes," "Progreso Brand Choice California Black Figs," or "Whole Cling [or "Unpitted Special"] Peaches."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect pellets, insects, insect excreta, insect fragments, rodent hairs, and rodent excreta; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** February 11, 1946. A plea of nolo contendere having been entered, the defendant was fined \$250.

**9509. Adulteration of dried fruit. U. S. v. 373 Boxes of Dried Fruit. Default decree of condemnation and destruction. (F. D. C. No. 19205. Sample No. 1083-H.)**

**LIBEL FILED:** February 15, 1946, Western District of South Carolina.

**ALLEGED SHIPMENT:** On or about August 23 and September 5, 1945, by Cayol Foods, from Minneapolis, Minn.