

ALLEGED SHIPMENT: On or about September 10, 1946, by the Fairview Packing Co., from Oakland, Calif.

PRODUCT: 195 cases, each containing 24 1-pound, 14-ounce cans, of apricots at Rochester, N. Y.

LABEL, IN PART: "Veteran Whole Unpeeled Apricots In Heavy Syrup Distributed by Brewster Gordon Co., Inc., Rochester, N. Y."

NATURE OF CHARGE: Misbranding, Section 403 (h) (2), the article fell below the standard of fill of container prescribed for canned apricots since there was not present in the container the maximum quantity of the optional apricot ingredient which could be sealed in the container and processed by heat to prevent spoilage without crushing or breaking the apricot ingredient; and its label failed to bear, as required by the regulations, a statement that it fell below the standard.

DISPOSITION: December 30, 1946. Veteran Foods, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be relabeled in compliance with the law, under the supervision of the Food and Drug Administration.

10424. Adulteration of canned blackberries. U. S. v. 196 Cases * * *. (F. D. C. No. 21753. Sample No. 48663-H.)

LIBEL FILED: November 22, 1946, District of Colorado.

ALLEGED SHIPMENT: On or about September 2, 1946, by the Valley Packing Co., from Atkins, Ark.

PRODUCT: 196 cases, each containing 24 1-pound, 3-ounce cans, of blackberries at Denver, Colo.

LABEL, IN PART: "Hargis Brand * * * Blackberries Distributed by Hargis Canneries, Inc., Fayetteville, Ark."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of moldy and rotten blackberries.

DISPOSITION: December 19, 1946. The shipper having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

10425. Misbranding of canned blackberries. U. S. v. 1,053 Cases * * *. (F. D. C. No. 21381. Sample No. 48658-H.)

LIBEL FILED: November 6, 1946, District of Colorado.

ALLEGED SHIPMENT: On or about August 9, 1946, by Wright and Co., from Monroe, La.

PRODUCT: 1,053 cases, each containing 24 1-pound, 3-ounce cans, of blackberries at Denver, Colo. Examination showed that the product was packed in water.

LABEL, IN PART: "Grapeland Blackberries * * * Packed By Mallory Canning Company Grapeland Texas."

NATURE OF CHARGE: Misbranding, Section 403 (i) (2), the article was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient, since water was not declared.

DISPOSITION: December 12, 1946. Wright & Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be relabeled under the supervision of the Federal Security Agency.

10426. Adulteration of dried peaches. U. S. v. 100 Boxes * * *. (F. D. C. No. 21600. Sample No. 1495-H.)

LIBEL FILED: On or about November 6, 1946, Northern District of Georgia.

ALLEGED SHIPMENT: On or about October 3, 1945, by Guggenlime & Co., from San Francisco, Calif.

PRODUCT: 100 25-pound boxes of dried peaches at Atlanta, Ga.

LABEL, IN PART: "Daphne Brand California Choice Dried Recleaned Muir Peaches."

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 insects.