

DISPOSITION: December 10, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10427. Adulteration of frozen peaches. U. S. v. 861 Cartons * * *. (F. D. C. No. 16323. Sample No. 6917-H.)

LIBEL FILED: June 1, 1945, District of New Jersey.

ALLEGED SHIPMENT: On or about December 21, 1944, by G. L. Webster Co., Inc., from Cheriton, Va.

PRODUCT: 861 30-pound cartons of frozen peaches at Jersey City, N. J. Examination of the product showed the presence of fermented peaches.

LABEL, IN PART: "Cling Peach Halves * * * Child Quic Fresh Frozen Foods * * * Packed By Fresh Frozen Foods Office Los Angeles, Calif."

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 decomposed peaches.

DISPOSITION: January 20, 1947. Flint and Fulton, Inc., a New Jersey Corporation trading as the Monmouth Products Co., having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be used in the manufacture of wine, under the supervision of the Food and Drug Administration. On October 27, 1947, the claimant having failed to execute the bond, the product was ordered destroyed.

10428. Misbranding of canned peaches. U. S. v. 701 Cases * * *. (F. D. C. No. 22379. Sample No. 40877-H.)

LIBEL FILED: January 10, 1947, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about November 7, 1946, by the Intermountain Food Co., from Provo, Utah.

PRODUCT: 701 cases, each containing 24 1-pound, 13-ounce cans, of peaches at St. Louis, Mo.

LABEL, IN PART: "Mellhorn Brand * * * Standard Sliced * * * Peaches."

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

DISPOSITION: February 6, 1947. The Intermountain Food Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be brought into compliance with the law, under the supervision of the Federal Security Agency.

10429. Misbranding of canned pears. U. S. v. 179½ Cases * * *. (F. D. C. No. 21613. Sample No. 54659-H.)

LIBEL FILED: November 12, 1946, Southern District of Florida.

ALLEGED SHIPMENT: On or about July 25, 1946, by the Valdosta Canning Co., from Valdosta, Ga.

PRODUCT: 179½ cases, each containing 24 1-pound, 13-ounce cans, of pineapple pears at Jasper, Fla.

LABEL, IN PART: "S - D - A Brand Pineapple Pears * * * Mixed Pieces of Irregular Sizes and Shapes In Light Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the article failed to conform to the definition and standard of identity for canned pears since its label bore the statement "In Light Syrup," whereas the article was packed in sirup designated in the definition and standard as "Slightly Sweetened Water."

Further misbranding, Section 403 (h) (1), the article fell below the standard of quality for canned pears since it failed to meet the test for tenderness prescribed by the regulations, and its label failed to bear the required statement that it fell below the standard.