

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

Misbranding, Section 403 (k), (New Orleans lot) it contained a chemical preservative and failed to bear labeling stating that fact.

DISPOSITION: August 29 and October 25, 1946. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

10614. Adulteration of canned, diced peaches and pears. U. S. v. 1,496 Cases * * *. (F. D. C. No. 18006. Sample No. 9781-H.)

LIBEL FILED: October 17, 1945, Western District of New York.

ALLEGED SHIPMENT: On or about September 1, 1945, by Flotill Products, Inc., from Stockton, Calif.

PRODUCT: 1,496 cases, each containing 24 1-pound, 13-ounce cans, of diced peaches and pears at Hornell, N. Y. Examination showed that the product was undergoing active fermentation.

LABEL, IN PART: "Flotill Diced Peaches and Pears."

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

DISPOSITION: October 19, 1945. Flotill Products, 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 brought into compliance with the law by the segregation of the fit from the unfit portion, under the supervision of the Food and Drug Administration.

10615. Adulteration of canned, diced peaches and pears. U. S. v. 410 Cases * * * (and 2 other seizure actions). (F. D. C. Nos. 18046, 18110, 18722. Sample Nos. 9791-H, 24909-H, 35130-H.)

LIBELS FILED: Between October 26 and December 20, 1945, Eastern District of Missouri, Southern District of Texas, and Western District of Pennsylvania.

ALLEGED SHIPMENT: Between the approximate dates of August 24 and September 1, 1945, by Flotill Products, Inc., from Modesto and Stockton, Calif.

PRODUCT: 410 cases at St. Louis, Mo., 89 cases at Erie, Pa., and 45 cases at Houston, Tex., each case containing 24 1-pound, 13-ounce cans, of diced peaches and pears. Examination showed that the product was undergoing active decomposition.

LABEL, IN PART: "Flotill Diced Peaches and Pears."

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

DISPOSITION: On November 26 and December 28, 1945, the General Grocer Co., claimant for the St. Louis lot, and Flotill Products, Inc., claimant for the Erie lot, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The unfit portion was segregated and destroyed. On January 28, 1946, no claimant having appeared for the Houston lot, judgment of condemnation was entered and this lot of the product was ordered destroyed.

10616. Misbranding of canned pears. U. S. v. 138 Cases * * *. (F. D. C. No. 17975. Sample No. 1206-H.)

LIBEL FILED: October 18, 1945, Middle District of Georgia.

ALLEGED SHIPMENT: On or about August 13, 1945, by the Havana Canning Co., from Havana, Fla.

PRODUCT: 138 cases, each containing 24 1-pound, 13-ounce cans, of pears at Albany, Ga.

LABEL, IN PART: "Le-Ko Brand Pineapple Pears."

NATURE OF CHARGE: 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 in the standard, more than 20 percent of the units in the container were blemished, all pear units were not untrimmed or so trimmed