

FRUITS AND VEGETABLES

CANNED FRUIT

12330. Adulteration of canned apricots and canned plums. U. S. v. 424 Cases, etc. (F. D. C. No. 22954. Sample Nos. 15607-H, 15608-H.)

LABEL FILED: May 8, 1947, Northern District of Illinois.

ALLEGED SHIPMENT: On or about July 29, 1946, by Norish Finer Foods, from Grand Junction, Colo.

PRODUCT: 224 cases, each containing 24 No. 2½ cans, of apricots, and 70 cases, each containing 24 No. 2½ cans, of plums. The cans were unlabeled. No written agreement existed between the shipper and the consignee as to the labeling of the products.

LABEL, IN PART: (Cases) "Unpeeled Whole Apricots Heavy Syrup," and "Red Plums in Extra Heavy Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), (apricots) the article purported to be and was represented as canned apricots and its label failed to bear, as the regulations require, the name of the optional apricot ingredient, unpeeled whole apricots, and the name of the optional packing medium present, light sirup; Section 403 (a), (plums) the statement on the case, "Red Plums in Extra Heavy Syrup," was false and misleading since the product was not packed in extra heavy sirup and since some of the cans contained yellow plums; Section 403 (i) (1), (plums) the cans failed to bear the common or usual name of the food; and, Section 403 (e), (apricots and plums) the cans 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.

DISPOSITION: June 5, 1947. Royal Blue Stores, Inc., Chicago, Ill., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the products were ordered released under bond, to be labeled under the supervision of the Food and Drug Administration.

12331. Misbranding of canned apricots. U. S. v. 438 Cases * * *. (F. D. C. No. 23446. Sample No. 75295-H.)

LABEL FILED: September 9, 1947, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about July 23, 1947, by Bercut-Richards Packing Co., from Sacramento, Calif.

PRODUCT: 438 cases, each containing 24 1-pound, 14-ounce cans, of apricots at Pittsburgh, Pa.

LABEL, IN PART: "Grade A Halves Unpeeled Apricots in Heavy Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the label failed to bear, as the regulations prescribing a definition and standard of identity for canned apricots require, the name of the optional packing medium present in the article, since the label bore the statement "in Heavy Syrup" and the article was packed in light sirup.

DISPOSITION: October 31, 1947. Bercut-Richards Packing Company, 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.

12332. Misbranding of maraschino cherries. U. S. v. 298 Cases, etc. (F. D. C. No. 23486. Sample Nos. 74364-H, 74365-H.)

LABEL FILED: July 9, 1947, District of Massachusetts.

ALLEGED SHIPMENT: On or about May 9 and 17, 1947, by the deRedon Food Products Corporation, from New London, Conn.

PRODUCT: 544 cases, each containing 24 8-ounce jars, of maraschino cherries at Somerville, Mass. Examination showed that the product was short-weight.

LABEL, IN PART: "Gold-Bo Maraschino Cherries 8 Oz. Avoir * * *," or "DeReDo Brand Maraschino Cherries * * * Net Contents 8 Oz."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: July 29, 1947. The deRedon Food Products Corporation having consented to the entry of a decree, judgment of condemnation was entered and

the product was ordered released under bond for repacking under the supervision of the Federal Security Agency.

12333. Adulteration of canned peaches. U. S. v. 219 Cases, etc. (F. D. C. No. 23055. Sample Nos. 61161-H, 61162-H.)

LABEL FILED: May 26, 1947, Western District of New York.

ALLEGED SHIPMENT: On or about August 3 and 20, 1946, by Jones Brothers Canning Co., from Greer, S. C.

PRODUCT: 219 cases, each containing 24 1-pound, 13-ounce cans, of yellow freestone peaches at Buffalo, N. Y.

LABEL, IN PART: "Cedar Rock Brand Yellow Peeled Freestone Peaches * * * Packed by J. A. Jones, Easley, S. C.," or "Cedar Rock Brand Yellow Freestone Peaches."

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

DISPOSITION: June 23, 1947. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

12334. Misbranding of canned peaches. U. S. v. Pleasant Grove Canning Company. Plea of guilty. Fine, \$75. (F. D. C. No. 23320. Sample Nos. 41349-H, 91511-H.)

INFORMATION FILED: August 12, 1947, District of Utah against Pleasant Grove Canning Co., a corporation, Pleasant Grove, Utah.

ALLEGED SHIPMENT: On or about November 4 and 5, 1946, from the State of Utah into the States of Kansas and Missouri.

LABEL, IN PART: "Utah Valley Brand Yellow Freestone Peaches Peeled Halves Packed in Medium Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product failed to conform to the standard of quality for canned peaches, since all the peach units were not untrimmed or so trimmed as to preserve their normal shape, as required by the regulations, and the label failed to bear the substandard legend; and, Section 403 (g) (2), the product failed to conform to the definition and standard of identity for canned peaches since its label failed to bear the name of the optional packing medium present. The label bore the statement "Packed in Medium Syrup," a packing medium not provided for in the regulations, and the product was packed in light sirup.

DISPOSITION: August 29, 1947. A plea of guilty having been entered on behalf of the defendant, a fine of \$75 was imposed.

12335. Misbranding of canned peaches. U. S. v. 264 Cases * * * (F. D. C. No. 22784. Sample No. 91779-H.)

LABEL FILED: April 1, 1947, District of Colorado.

ALLEGED SHIPMENT: On or about December 16, 1946, by the Washington Cannery Co-operative Association, from Vancouver, Wash.

PRODUCT: 264 cases, each containing 24 1-pound, 13-ounce cans, of peaches at Denver, Colo.

LABEL, IN PART: "Bestwest Select Fancy Halved Yellow Freestone Peaches in Extra Heavy Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the article failed to conform to the definition and standard of identity for canned peaches since its label failed to bear the name of the optional packing medium present. The label bore the statement "In Extra Heavy Syrup" and the article was packed in sirup designated as "Heavy Sirup" in the standard.

DISPOSITION: June 3, 1947. The Washington Cannery Cooperative Association, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was released under bond, conditioned that it be relabeled in conformity with the law, under the supervision of the Food and Drug Administration.