

LABEL, IN PART: "Elmdale Whole Unpeeled Apricots In Light Syrup · National Retailer-Owned Grocers, Inc. Distributors * * * Chicago, Ill."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the article failed to conform to the definition and standard of identity for canned apricots. Its label bore the statement "In Light Syrup," whereas the article was packed in sirup designated as "slightly sweetened water" in the standard. Further misbranding, Section 403 (h) (1), the article fell below the standard of quality prescribed for canned apricots because of an excess of blemished fruit, and the article was not labeled to show that it was substandard.

DISPOSITION: February 21, 1947. R. C. Isenbruck & 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 relabeled under the supervision of the Federal Security Agency.

12522. Misbranding of canned apricots. U. S. v. 213 Cases * * *. (F. D. C. No. 23636. Sample No. 74899-H.)

LIBEL FILED: On or about September 3, 1947, District of Rhode Island.

ALLEGED SHIPMENT: On or about August 8, 1946, by R. C. Isenbruck & Co., from Castroville, Calif.

PRODUCT: 213 cases, each containing 24 1-pound, 13-ounce cans, of apricots at Providence, R. I.

LABEL, IN PART: "Elmdale Whole Unpeeled Apricots In Light Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product failed to conform to the standard of quality for canned apricots, since more than 20 percent of the apricot units were blemished with scabs, discoloration, and other abnormalities, and more than 5 percent of the apricot units were crushed and broken; and the product was not labeled as substandard.

DISPOSITION: November 13, 1947. Default decree of condemnation. The product was ordered delivered to a charitable institution.

12523. Adulteration of canned peaches. U. S. v. 417 Cases * * *. (F. D. C. No. 23793. Sample No. 61090-H.)

LIBEL FILED: October 6, 1947, Western District of New York.

ALLEGED SHIPMENT: On or about September 4, 1946, by the Russell Corp., from Plant City, Fla.

PRODUCT: 417 cases, each containing 6 6-pound, 12-ounce cans, of peaches at Rochester, N. Y.

LABEL, IN PART: "Russell's Fine Foods Peaches Irregular Shapes and Sizes Packed in Water."

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 worms and worm excreta.

DISPOSITION: November 10, 1947. Default decree of condemnation and destruction.

12524. Misbranding of canned peaches. U. S. v. 124 Cases, etc. (F. D. C. No. 23981. Sample No. 15011-K, 15012-K.)

LIBEL FILED: December 3, 1947, Northern District of Illinois.

ALLEGED SHIPMENT: On or about September 2, 1947, by Roberts Brothers, from Americus, Ga.

PRODUCT: Peaches. 124 cases, each containing 48 cans, and 119 cases, each containing 48 cans, at Chicago, Ill.

LABEL, IN PART: "Roberts Big R Brand Sliced White [or "Yellow"] Free-stone Peaches In Light Syrup Contents 15 Oz. Avoir."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product was below standard in quality. The peach units were not untrimmed or so trimmed as to preserve normal shape, and the label failed to indicate that the article was below standard.

DISPOSITION: January 29, 1948. The Excel Wholesale Grocery Co., Chicago, Ill., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling in accordance with the law, under the supervision of the Federal Security Agency.