

12525. Misbranding of canned peaches. U. S. v. 100 Cases * * *. (F. D. C. No. 23687. Sample No. 85467-H.)

LIBEL FILED: September 8, 1947, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about July 16, 1947, from Easley, S. C., by Taylor & Sledd, Inc.

PRODUCT: 100 cases, each containing 24 1-pound, 14-ounce cans, of peaches at Morrison, Va. Examination showed that the product was peach halves and that it was packed in light sirup.

LABEL, IN PART: "Durham Maid Brand."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the article purported to be and was represented as canned peaches, a food for which a definition and standard of identity had been prescribed by regulations, and its label failed to bear, as required by the definition and standard, the names of the optional packing medium and the optional peach ingredient present in the article, since the label bore the statement "Durham Maid Brand Yellow Peeled Freestone Peaches Mixed Pieces of Irregular Sizes and Shapes in Heavy Syrup"; whereas the article was packed in sirup designated as "light sirup" in the standard, and the peach ingredient of the article is designated as "halves" in the standard.

DISPOSITION: October 1, 1947. Taylor & Sledd, Inc., having appeared as claimant, judgment was entered ordering that the product be released under bond for relabeling, under the supervision of the Food and Drug Administration.

12526. Adulteration of canned prune plums and prunes, and canned cherries. U. S. v. Stayton Canning Co. Cooperative, a Corporation, and Fernando M. Smith. Pleas of nolo contendere. Fines of \$350 against the corporation and \$25 against Fernando M. Smith. (F. D. C. No. 21511. Sample Nos. 58202-H, 58203-H, 58219-H, 58221-H, 58224-H, 58241-H, 58253-H.)

INFORMATION FILED: January 23, 1947, against the Stayton Canning Co. Cooperative, Stayton, Oreg., and Fernando M. Smith, vice president.

ALLEGED SHIPMENT: December 15, 17, 27, and 28, 1945, from the State of Oregon into the State of Montana.

LABEL, IN PART: "Santiam Brand * * * Prune Plums," "Santiam Brand * * * Prunes," or "Santiam Brand Light Sweet Royal Anne Cherries."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the canned prune plums and prunes consisted in part of decomposed substances by reason of the presence of decomposed fruit, and the canned cherries consisted in part of a filthy substance by reason of the presence of maggots.

DISPOSITION: February 13, 1947. Pleas of nolo contendere; fines of \$350 against the corporation and \$25 against Fernando M. Smith.

12527. Misbranding of canned fruit cocktail. U. S. v. 443 Cases * * *. (F. D. C. No. 21222. Sample No. 45855-H.)

LIBEL FILED: October 4, 1946, District of New Jersey.

ALLEGED SHIPMENT: On or about August 16, 1946, by Schuckl & Co., Inc., from Oakland, Calif.

PRODUCT: 443 cases, each containing 24 cans, of fruit cocktail at Kearney, N. J.

LABEL, IN PART: "Sun Haven Fruit Cocktail * * * Net Weight 1 Lb. 13 Oz."

NATURE OF CHARGE: Misbranding, Section 403 (h) (2), the article fell below the standard of fill of container for canned fruit cocktail, since the total weight of the drained fruit was less than 65 percent of the water capacity of the container, and its label failed to bear a statement that it fell below such standard.

DISPOSITION: June 30, 1947. Schuckl & Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling, under the supervision of the Food and Drug Administration.

12528. Adulteration of prunes. U. S. v. 498 Cartons * * *. (F. D. C. No. 23031. Sample No. 77558-H.)

LIBEL FILED: May 13, 1947, District of Minnesota.

ALLEGED SHIPMENT: On or about March 31, 1947, by Taggart Dried Fruits, from Hollister, Calif.