

all units of the article were not untrimmed, or were so trimmed as not to preserve normal shape; and its label failed to bear a statement that it fell below such standard.

DISPOSITION: January 9, 1948. Hunt Foods, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

12923. Misbranding of canned peaches. U. S. v. 370 Cases * * *. (F. D. C. No. 23526. Sample No. 74986-H.)

LIBEL FILED: July 28, 1947, District of Massachusetts.

ALLEGED SHIPMENT: On or about March 18, 1947, by the Manchester Canning Co., Inc., Manchester, N. Y.

PRODUCT: 370 cases, each containing 24 cans, of peaches at Springfield, Mass.

LABEL, IN PART: "Manchester Brand Yellow Freestone Halves Peaches Contents 1 Lb. 13 Oz. Extra Standard Quality."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Extra Standard Quality" was false and misleading, since the peaches were substandard in quality; Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents (the cans were short-weight); Section 403 (g) (2), the product was canned peaches, a food for which a definition and standard of identity has been prescribed by regulations, and its label failed to bear, as required by such regulations, the name of the optional packing medium present in the food, i. e., light sirup.

Further misbranding, Section 403 (h) (1), the product failed to conform to the standard of quality for canned peaches, since all of the peach units were not untrimmed, or were so trimmed as not to preserve normal shape; and its label failed to bear the substandard legend.

DISPOSITION: February 27, 1948. The Manchester Canning Co., Inc., claimant, having consented to the entry of a decree, 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.

12924. Misbranding of canned fruit cocktail. U. S. v. 373 Cases, etc. (F. D. C. No. 22744. Sample Nos. 62591-H, 62592-H.)

LIBEL FILED: March 31, 1947, District of Maine.

ALLEGED SHIPMENT: On or about February 19, 1947, by the United States Products Corporation, Ltd., from San Jose, Calif.

PRODUCT: 373 cases, each containing 24 1-pound, 14-ounce cans, and 271 cases, each containing 6 6-pound, 12-ounce cans, of fruit cocktail at Portland, Maine.

LABEL, IN PART: "Superba Fruit Cocktail," and "Milliken Tomlinson Company's Superba Brand Fruit Cocktail."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for canned fruit cocktail, since it contained in the mixture of drained fruit more than 50 percent by weight of pitted, peeled, and diced peaches, the maximum permitted by the standard, and less than 6 percent of whole grapes, the minimum permitted by the standard.

Further misbranding, Section 403 (h) (2), the article fell below the standard of fill of container for canned fruit cocktail, which standard provides that the total weight of the drained fruit is not less than 65 percent of the weight of water required to fill the container; and its label failed to bear a statement that it fell below the standard of fill of container.

DISPOSITION: October 24, 1947. The United States Products Corporation, Ltd., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for the relabeling or the refilling of the containers, or, otherwise, for the reprocessing of the product, so that it would comply with the requirements of the law, under the supervision of the Federal Security Agency.

12925. Adulteration of dried prunes. U. S. v. 52 Cases * * *. (F. D. C. No. 24430. Sample No. 36613-K.)

LIBEL FILED: February 4, 1948, Western District of Washington.

ALLEGED SHIPMENT: On or about November 21, 1947, by the Hudson Duncan Co., from Dundee, Oreg.

PRODUCT: 52 25-pound cases of dried prunes at Tacoma, Wash.

LABEL, IN PART: "Stadium Brand."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 3, 1948. Default decree of condemnation. The product was ordered delivered to an institution, for use as stock feed.

FROZEN FRUIT*

12926. Adulteration and misbranding of frozen cherries. U. S. v. 3,731 Cases
* * *. (F. D. C. No. 21906. Sample Nos. 64961-H, 64962-H.)

LIBEL FILED: December 3, 1946, Southern District of New York.

ALLEGED SHIPMENT: On or about June 24 and 25, 1946, by Midfield Packers, from Olympia, Wash.

PRODUCT: 3,731 cases, each containing 24 1-pound packages, of frozen cherries at New York, N. Y.

LABEL, IN PART: (Package) "Frosted Foods Cortley * * * Black Pitted Cherries * * * Distributed by Cortley Frosted Foods New York."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), partially pitted cherries had been substituted in whole or in part for pitted cherries.

Misbranding, Section 403 (a), the label statement "Black Pitted Cherries" was false and misleading as applied to partially pitted cherries. (The product contained pits in excess of the number which can be regarded as unavoidable. Under good commercial practice, pits can be kept down to 1 pit per 20 ounces or less.)

DISPOSITION: January 29, 1948. Cortley Frosted Foods, Inc., claimant, having consented to the entry of a decree, judgment was entered ordering that the product be released under bond for the separation of the fit portion from the unfit and the relabeling of the latter, under the supervision of the Food and Drug Administration.

12927. Adulteration of frozen grapes. U. S. v. 50 Barrels * * * (F. D. C. No. 24024. Sample No. 15111-K.)

LIBEL FILED: December 24, 1947, Northern District of Illinois.

ALLEGED SHIPMENT: On or about October 20, 1947, by the Berrien County Co-operative Fruit Exchange, from Stevensville, Mich.

PRODUCT: 50 375-pound barrels of frozen grapes at Chicago, Ill.

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 fly eggs and maggots; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 24, 1948. Default decree of condemnation and destruction.

12928. Adulteration of frozen raspberries. U. S. v. 84 Barrels * * * (F. D. C. No. 23937. Sample No. 30901-K.)

LIBEL FILED: October 28, 1947, Southern District of California.

ALLEGED SHIPMENT: On or about July 22, 1947, by the Washington Packers, Inc., from Sumner, Wash.

PRODUCT: 84 barrels, each containing 55 gallons, of frozen raspberries at Los Angeles, Calif.

LABEL, IN PART: "Dewkist Brand."

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

DISPOSITION: December 15, 1947. The Washington Packers, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the fit be separated from the unfit and that the latter be returned to the point

*See also No. 12932.