

**ALLEGED SHIPMENT:** On or about March 27, 1947, by the Stedman Co., Lake Charles, La.

**PRODUCT:** 349 cases, each containing 24 1-pound, 3-ounce cans, of blackberries at Beaumont, Tex.

**LABEL, IN PART:** "Famous Star Brand Blackberries \* \* \* Packed by Star Canning Co., Lindale, Tex."

**NATURE OF CHARGE:** Misbranding, Section 403 (i) (2), the product was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient, since water was not declared. (The product was packed in water.)

**DISPOSITION:** June 10, 1947. The Star Canning Co., Lindale, Tex., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be reprocessed under the supervision of the Food and Drug Administration.

**13633. Misbranding of canned cherries. U. S. v. 160 Cases \* \* \*. (F. D. C. No. 21615. Sample Nos. 64455-H, 64566-H.)**

**LIBEL FILED:** November 6, 1946, Eastern District of New York.

**ALLEGED SHIPMENT:** On or about July 16, 1946, by Escalon Packers, Inc., from Escalon, Calif.

**PRODUCT:** 160 cases, each containing 24 1-pound, 13-ounce cans, of cherries at Brooklyn, N. Y.

**LABEL, IN PART:** "Dora Seconds Dark Sweet Cherries."

**NATURE OF CHARGE:** Misbranding, Section 403 (g) (2), the label of the article failed to bear as required by the definition and standard of identity for canned cherries the name of the optional packing medium in the article, since the 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 quality of the article fell below the standard of quality for canned cherries, since the weight of each cherry in the container was less than  $\frac{1}{10}$  ounce, the minimum permitted by the standard, and the label failed to bear a statement that the article fell below the standard.

**DISPOSITION:** September 28, 1948. B. Dorman & Sons, Inc., Brooklyn, N. Y., 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 Federal Security Agency.

**13634. Misbranding of canned peaches. U. S. v. 145 Cases \* \* \*. (F. D. C. No. 22300. Sample No. 91511-H.)**

**LIBEL FILED:** February 24, 1947, District of Kansas.

**ALLEGED SHIPMENT:** On or about November 4, 1946, by the Pleasant Grove Canning Co., from Pleasant Grove, Utah.

**PRODUCT:** 145 cases, each containing 24 1-pound, 13-ounce cans, of peaches at Goodland, Kans.

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

**NATURE OF CHARGE:** Misbranding, Section 403 (g) (2), the product purported to be and was represented as 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 the regulations the name of the optional packing medium present in the food, since the label bore the statement "Packed in Medium Syrup" and the article was packed in light sirup; and, Section 403 (h) (1), the product fell below the standard of quality for canned peaches since all units were not untrimmed or so trimmed as to preserve normal shape, and its label failed to bear the substandard legend.

**DISPOSITION:** May 28, 1947. The Pleasant Grove Canning Co., 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.

**13635. Misbranding of canned peaches. U. S. v. 49 Cases \* \* \*. (F. D. C. No. 24655. Sample No. 21457-K.)**

**LIBEL FILED:** On or about June 14, 1948, Western District of Missouri.

ALLEGED SHIPMENT: On or about January 1, 1948, by the Colorado Mountain Foods Co., Grand Junction, Colo.

PRODUCT: 49 cases, each containing 24 1-pound, 13-ounce cans, of peaches at St. Joseph, Mo.

LABEL, IN PART: "Millhorn Brand Elberta Yellow Freestone Halves Peaches."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for canned peaches since the product had not been processed by heat so as to prevent spoilage. (Examination showed that the product was decomposed.)

DISPOSITION: August 3, 1948. Default decree of destruction.

**13636. Adulteration and misbranding of peach fountain fruit. U. S. v. 14 Cases**  
\* \* \* (F. D. C. No. 22251. Sample No. 41227-H.)

LIBEL FILED: February 5, 1947, Eastern District of Arkansas.

ALLEGED SHIPMENT: On or about November 16, 1946, by the Mary Ann Preserving Co., from Chattanooga, Tenn.

PRODUCT: 14 cases, each containing 24 jars, of peach fountain fruit at Jonesboro, Ark.

LABEL, IN PART: (Jars) "Mary-Ann Peach Fountain Fruit \* \* \* Net Weight 14 Ozs."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a substance consisting primarily of a mixture of peaches and sugar in the ratio of approximately 200 pounds of fruit to each 55 pounds of sugar, and having a soluble-solids content of less than 65 percent, had been substituted for peach preserves.

Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents (the article was short-weight); and, Section 403 (g) (1), the article purported to be peach preserves, a food for which a definition and standard of identity has been prescribed, and it failed to conform to such definition and standard of identity since the soluble-solids content of the article was less than 65 percent as determined by the method prescribed in the definition and standard.

DISPOSITION: March 6, 1947. Default decree of condemnation. The product was ordered delivered to a charitable institution.

**13637. Misbranding of canned pears. U. S. v. 75 Cases** \* \* \* (F. D. C. No. 24197. Sample No. 3635-K.)

LIBEL FILED: December 22, 1947, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about September 27 and October 13, 1947, by the Valdosta Canning Co., from Valdosta, Ga.

PRODUCT: 75 cases, each containing 24 1-pound, 13-ounce cans, of pears at Emporia, Va.

LABEL, IN PART: "S-D-A Brand \* \* \* Pineapple Pears Mixed Pieces of Irregular Sizes and Shapes in Light Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned pears since it failed to meet the test for tenderness prescribed in the standard, and its label failed to bear the statement that it fell below the standard.

DISPOSITION: August 19, 1948. The Valdosta Canning Co., 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.

#### DRIED FRUIT

**13638. Adulteration of dried apricots. U. S. v. 65 Cartons** \* \* \* (F. D. C. No. 24493. Sample No. 20884-K.)

LIBEL FILED: March 19, 1948, District of Kansas.

ALLEGED SHIPMENT: On or about November 22, 1947, by the Vagim Packing Co., from Fresno, Calif.

PRODUCT: 65 30-pound cartons of dried apricots at Topeka, Kans.

LABEL, IN PART: "Home Pak Brand Slab California Apricots Packed by Fresno Home Packing Co., Fresno, Cal."