

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the article purported to be and was represented as canned sweet cherries, 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 article. Its label bore the statement "in extra heavy syrup," whereas it was packed in sirup designated as "heavy sirup" in such standard.

DISPOSITION: November 8, 1948. The D & D Foods Co., 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 Federal Security Agency.

13803. Adulteration of canned peaches. U. S. v. 265 Cases * * *. (F. D. C. No. 24897. Sample No. 12728-K.)

LABEL FILED: June 17, 1948, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about October 2, November 14, and December 24, 1946, from Yuba City, Calif., by the Sunset Fruit Co.

PRODUCT: 265 cases, each containing 24 1-pound, 13-ounce cans, of peaches at Philadelphia, Pa.

LABEL, IN PART: "Good Treat Yellow Cling Peaches."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article was unfit for food by reason of its phenolic taste, rendering it unpalatable.

DISPOSITION: October 26, 1948. Default decree of condemnation and destruction.

13804. Misbranding of canned peaches. U. S. v. 37 Cases * * *. (F. D. C. No. 24982. Sample No. 36265-K.)

LABEL FILED: On or about July 1, 1948, District of Montana.

ALLEGED SHIPMENT: On or about May 10, 1948, by the Royal Canning Corp., from Ogden, Utah.

PRODUCT: 37 cases, each containing 48 1-pound cans, of peaches at Great Falls, Mont.

LABEL, IN PART: "Royal Brand Utah Yellow Freestone Elberta Peaches Peeled Halves."

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: September 22, 1948. Default decree of condemnation. The product was ordered delivered to a public institution.

13805. Misbranding of canned fruit cocktail. U. S. v. 196 Cases * * *. (F. D. C. No. 24766. Sample No. 32245-K.)

LABEL FILED: May 12, 1948, Eastern District of Arkansas.

ALLEGED SHIPMENT: On or about March 24, 1948, by Tiedemann & McMorran, from Oakland, Calif.

PRODUCT: 196 cases, each containing 6 6-pound, 12-ounce cans, of fruit cocktail at Little Rock, Ark.

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the product fell below the standard for canned fruit cocktail since it contained in the mixture of drained