

FRUITS AND VEGETABLES

CANNED FRUIT

14728. Adulteration of canned cherries. U. S. v. 359 Cases * * *. (F. D. C. No. 24410. Sample No. 18316-K.)

LIBEL FILED: January 14, 1948, Southern District of Ohio.

ALLEGED SHIPMENT: On or about September 23, 1947, by Michigan Fruit Cannery, Inc., from Fennville, Mich.

PRODUCT: 359 cases of canned cherries at Cincinnati, Ohio.

LABEL, IN PART: "Rustic Contents 1 Lb. 4 Oz. Pitted Dark Sweet Michigan Cherries in Heavy Syrup."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: October 22, 1948. Default decree of condemnation and destruction.

14729. Misbranding of canned peaches. U. S. v. 923 Cases * * *. (F. D. C. No. 26007. Sample No. 40557-K.)

LIBEL FILED: On or about December 8, 1948, District of Oregon.

ALLEGED SHIPMENT: On or about October 2, 1948, by Food Processors, Inc., from Yakima, Wash.

PRODUCT: 923 cases, each containing 24 1-pound, 12-ounce cans, of peaches, at Salem, Oreg.

LABEL, IN PART: (Can) "Peaches In Heavy Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (f), the name and address of the packer and the statement of the quantity of the contents, which are required by law to appear on the label, were not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, and devices in the labeling) as to render them likely to be read by the ordinary individual under customary conditions of purchase and use since the information was printed on the label on the back of the can.

Further misbranding, Section 403 (g) (2), the product was represented as canned peaches, a food for which a definition and standard of identity have been prescribed, and its label failed to bear as required by the regulations the name of the optional packing medium present in the foods since the labels bore the statement "In Heavy Syrup" and a portion of the product was packed in light sirup; and, in addition, its label failed to bear as required by the regulations the varietal type of peach ingredient present.

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

DISPOSITION: May 2, 1949. The Willamette Grocery Co., Salem, Oreg., and Food Processors, Inc., Yakima, Wash., claimants, 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.