

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), water had been substituted in part for oysters; and, Section 402 (b) (4), water had been added to the product and mixed and packed with it so as to increase its bulk or weight and reduce its quality.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for oysters standards and oysters selects since it was not thoroughly drained.

DISPOSITION: February 11, 1952. Default decree of condemnation and destruction.

FRUITS AND VEGETABLES*

CANNED FRUIT

19128. Misbranding of canned peaches. U. S. v. 48 Cases * * *. (F. D. C. No. 33240. Sample No. 18406-L.)

LIBEL FILED: May 20, 1952, District of Nevada.

ALLEGED SHIPMENT: On or about March 4, 1952, by Case-Swayne Co., Inc., from Santa Ana, Calif.

PRODUCT: 48 cases, each containing 24 1-pound, 13-ounce cans, of peaches at Las Vegas, Nev.

LABEL, IN PART: "Santa Paula Ripe Elberta Sliced Yellow Freestone Peaches In Heavy Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (f), the information required by law to appear on the label, namely, a statement of the quantity of the contents, was not prominently placed on the label with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use since it appeared in small print on the rear panel of the label.

Further misbranding, 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 the standard, the name of the optional packing medium present since the label bore the statement "In Heavy Syrup," whereas the product was packed in light sirup.

Further misbranding, Section 403 (h) (2), the product fell below the standard of fill of container for canned peaches, and its label failed to bear a statement that it fell below the standard.

DISPOSITION: August 15, 1952. The shipper, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be relabeled under the supervision of the Federal Security Agency.

JAMS, JELLIES, AND PRESERVES

19129. Adulteration and misbranding of red raspberry jelly and pineapple preserves. U. S. v. Pelton's Spudnuts, Inc. (Martens Co.). Plea of nolo contendere. Fine of \$100. (F. D. C. No. 32753. Sample Nos. 7489-L, 7490-L.)

*See also No. 19101.