

**NATURE OF CHARGE:** Misbranding, Section 403 (g) (2), the "Chatter Box" brand peaches purported to be and were represented as canned peaches, a food for which a definition and standard of identity has been prescribed by regulations, and the label failed to bear, as required by regulations, the name of the optional packing medium present in the article since the label bore the statement "In Extra Heavy Syrup," whereas the article was packed in a medium designated as "Heavy Syrup" in the definition and standard.

Misbranding, Section 403 (a), the vignette appearing on the label of the "Freshie" brand peaches depicting an individual serving of evenly sliced peaches was false and misleading as applied to these peaches, which contained cut and broken peach slices. Further misbranding, Section 403 (h) (1), the quality of the "Freshie" brand peaches fell below the standard of quality for canned peaches since all peach units of the article were not untrimmed, or were so trimmed as not to preserve their normal shape, and more than 5 percent of the peach slices in the container of the article were cut and broken; and the label failed to bear a statement that the article fell below the standard.

**DISPOSITION:** April 6, 1953. The Wapato Packing Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the "Chatter Box" brand peaches be released under bond for relabeling and that the "Freshie" brand peaches be disposed of by the marshal, pursuant to law. On May 14, 1953, the court ordered that the "Freshie" brand peaches under seizure, consisting of 13 cases, be released to the claimant for consumption and not for sale.

**20272. Misbranding of canned peaches. U. S. v. 249 Cases \* \* \*. (F. D. C. No. 34625. Sample No. 42403-L.)**

**LABEL FILED:** January 27, 1953, Eastern District of New York.

**ALLEGED SHIPMENT:** On or about December 19, 1952, by the A. M. Beebe Co., from San Francisco, Calif.

**PRODUCT:** 249 cases, each containing 24 1-pound, 13-ounce cans, of peaches at East Rockaway, N. Y.

**LABEL, IN PART:** (Can) "Calirose Halved Yellow Freestone Peaches Packed in Light Syrup."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned peaches since the weight of the largest unit in the container was more than twice the weight of the smallest unit, and more than 20 percent of the units in the container were blemished with discoloration; and the label failed to bear a statement that the article fell below the standard.

Further misbranding, Section 403 (h) (2); the product fell below the standard of fill of container for canned peaches since there was not present in the container of the product the maximum quantity of the optional peach ingredient which could be sealed in the container and processed by heat so as to prevent spoilage without crushing or breaking the ingredient, and the label failed to bear a statement that the product fell below the standard.

**DISPOSITION:** April 28, 1953. The Pacific Grape Products Co., Modesto, Calif., 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 Department of Health, Education, and Welfare.