2914. Misbranding of canned peaches. U. S. v. 162 Cases of Canned Peaches. Consent decree of condemnation. Product released under bond for relabeling. (F. D. C. No. 6149. Sample Nos. 37580–E, 37582–E.)

This product was substandard because of lack of uniformity in size and failure to trim the halves so as to preserve normal shape.

On or about November 5, 1941, the United States attorney for the Northern District of Georgia filed a libel against 162 cases of canned peaches at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about October 8, 1941, by Colonial Stores, Inc., from Greenville, S. C.; and charging that it was misbranded. The article was labeled in part: (Cans) "Cedar Rock Brand Yellow Peeled Freestone Peaches Halves in Water."

The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard in that the weight of the largest unit in the container was more than twice the weight of the smallest unit therein, and all of the units were not trimmed so as to preserve normal shape, and its label failed to bear, in such manner and form as the regulations specify, a statement that it fell below such standard.

On January 5, 1942, J. A. Jones, Easley, S. C., 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 Food and Drug Administration.

2915. Misbranding of canned peaches. U. S. v. 398 Cases of Peaches. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 6150. Sample No. 71213–E.)

This product was substandard in quality because all units were not untrimmed or so trimmed as to preserve normal shape.

On November 5, 1941, the United States attorney for the Western District of Tennessee filed a libel against 398 cases of canned peaches at Memphis, Tenn., alleging that the article had been shipped in interstate commerce on or about August 18, 1941, by Nelson Canning Co., Inc., from Springdale, Ark.; and charging that it was misbranded. The article was labeled in part: (Cans) "Nelson Brand Yellow Halves Freestone Peaches Packed in Heavy Syrup."

The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law and its quality fell below such standard and the labels on the cans failed to bear in such manner and form as such regulations specify, a statement that it fell below such standard.

On December 17, 1941, Nelson Canning Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bord conditioned that it be relabeled under the supervision of the Food and Drug Administration. The product was relabeled with the exception of the 109 cans which were ordered delivered to charitable institutions on April 18, 1942.

2916. Misbranding of canned peaches. U. S. v. 134 Cases and 698 Cases of Canned Peaches. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 5886. Sample Nos. 70102–E, 70103–E.)

Both lots of this product fell below the standard of quality for canned peaches because the halves were of mixed sizes and were unevenly trimmed. One lot also exceeded the tolerance for blemishes, and the other lot contained units that were not tender.

On September 30, 1941, the United States attorney for the Western District of North Carolina filed a libel against 832 cases, each containing 24 cans, of peaches at Charlotte, N. C., alleging that the article had been shipped on or about August 9, 12, and 15, 1941, by Southern State Canning Co. from Fort Valley, Ga.; and charging that it was misbranded. It was labeled in part: "Oak Hill [or "Pride of Georgia"] * * * Peaches."

The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard in that (both brands) the weight of the largest unit in the container was more than twice the weight of the smallest unit therein and the units were not untrimmed or so trimmed as to preserve their normal shape, (Oak Hill brand only) more than 20 percent of the units in the container were blemished, and (Pride of Georgia brand only) some units were excessively hard when tested in accordance with the method prescribed