

common names of the optional ingredients, "Yellow Freestone" and "Halves." All lots of the article were 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, and its label failed to bear, in such manner and form as the regulations specify, a statement that it fell below such standard.

On March 27, 1942, Walter P. Rawl, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and 108 cases of the shipment were ordered released under bond conditioned that they be relabeled in compliance with the law and 173 cases of the product were ordered destroyed.

3095. Misbranding of canned peaches. U. S. v. 430 Cases of Canned Peaches. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 6843. Sample No. 81141-E.)

Examination showed this product to be unevenly trimmed.

On February 12, 1942, the United States attorney for the Western District of Texas filed a libel against 430 cases of canned peaches at El Paso, Tex., alleging the article had been shipped in interstate commerce on or about October 6 and December 9, 1941, and January 8, 1942, by Richmond-Chase Co., from San Jose, Calif.; and charging that it was misbranded. It was labeled in part: "Front Line Brand Sliced Yellow Cling Peaches In Light Syrup Net Weight 1 Lb. 13 Oz."

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 because all units were not untrimmed or so trimmed 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 June 1, 1942, Richmond-Chase Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be properly relabeled.

3096. Misbranding of canned fruit cocktail. U. S. v. 94 Cases and 93 Cases of Canned Fruit Cocktail. Consent decree of condemnation. Product released under bond for relabeling. (F. D. C. No. 6831. Sample Nos. 87601-E, 87602-E.)

Examination showed this product was not of Fancy quality as labeled.

On February 16, 1942, the United States attorney for the District of Maryland filed a libel against 187 cases, each containing 48 1-pound cans, of fruit cocktail at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about March 27 and June 2, 1941, by Foster & Wood Canning Co. from Lodi, Calif., and by the D. J. Pulis Co., from San Francisco, Calif.; and charging that it was misbranded. It was labeled in part: "Land o' Lakes Fancy Fruit Cocktail in Heavy Syrup * * * Distributed by Ocono Company Baltimore, Md."

The article was alleged to be misbranded in that the term "Fancy" was false and misleading as applied to an article that was not Fancy because of numerous pieces of peach and pear material which were too small to be retained on a screen with $\frac{3}{8}$ -inch square holes, or which were more than $\frac{3}{4}$ inch in length, some bruised pieces and pieces with peel, grapes with cap stems, and crushed grapes.

On February 19, 1942, the Baltimore Wholesale Grocery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled in compliance with the law.

3097. Adulteration of diced mixed fruit. U. S. v. 13 Cans of Diced Mixed Fruit. Default decree of condemnation and destruction. (F. D. C. No. 6540. Sample No. 54520-E.)

This product contained insect fragments, rodent hairs, and miscellaneous filth fragments.

On December 18, 1941, the United States attorney for the Eastern District of Pennsylvania filed a libel against 13 cans of diced mixed fruit at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce, on or about November 10, 1941, by Vienna Extract Co., from Brooklyn, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: (Cans) "Carson Diced Mixed Fruit."

On June 5, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

3098. Misbranding of peach and pear tidbits. U. S. v. 90 Cases of Peach & Pear Tidbits. Decree of condemnation. Product released under bond for re-labeling. (F. D. C. No. 6577. Sample No. 22872-E.)

The label of this product bore a vignette of a dish of fairly uniform cubes, whereas it consisted of pieces of very irregular size and shape and a substantial proportion had been disintegrated by cooking.

On December 24, 1941, the United States attorney for the Eastern District of Pennsylvania filed a libel against 90 cases of peach and pear tidbits at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about November 28, 1941, by Harcourt, Greene Co. from San Francisco, Calif.; and alleging that it was misbranded. The article was labeled in part: (Cans) "Seline Peach & Pear Tidbits [vignette] * * * Packed by Schuckl & Co. Inc. San Francisco Calif."

It was alleged to be misbranded in that the vignette, showing fairly uniform cubes, was misleading as applied to a product composed of pieces of very irregular size and shape; and in that the statement "Peach & Pear Tidbits" was false and misleading as applied to a product not tidbits but consisting of irregularly shaped fragments, a substantial proportion of which had become disintegrated during the cooking process.

On February 18, 1942, Harold-Stephens Co., Allentown, Pa., having appeared as claimant, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be relabeled under the supervision of the Food and Drug Administration.

3099. Misbranding of chopped peach-pear mix. U. S. v. 50 Cases of Peach-Pear Mix. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 6573. Sample No. 23235-E.)

The label of this product bore a vignette of a dish of fairly uniform cubes, whereas it consisted almost entirely of small odd-shaped fragments.

On December 23, 1941, the United States attorney for the Southern District of Texas filed a libel against 50 cases of Peach-Pear Mix at Laredo, Tex., alleging that the article had been shipped in interstate commerce on or about November 24, 1941, by F. M. Ball & Co. from Oakland, Calif.; and charging that it was misbranded in that the vignette of fairly uniform cubes was misleading as applied to small odd-shaped fragments. The article was labeled in part: (Cans) "[vignette] Great Value Brand * * * Peach-Pear Mix."

On March 11, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a local charitable institution.

- CANNED VEGETABLES

8100. Misbranding of canned wax beans. U. S. v. 12 Cases of Wax Beans. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 6562. Sample No. 70078-E.)

This product was canned cut wax beans of Standard or Extra Standard quality, but not Fancy because of the presence in each can of appreciable proportions of beans which were too old to be of Fancy quality, were hard and mealy, and in many cases stringy.

On or about December 29, 1941, the United States attorney for the Southern District of Florida filed a libel against 12 cases of wax beans at Jacksonville, Fla., alleging that the article had been shipped in interstate commerce on or about October 18, 1941, by the Larsen Co. from Green Bay, Wis.; and charging that it was misbranded in that the word "Fancy" was false and misleading as applied to an article which was not Fancy. The article was labeled in part: (Can) "Plee-Zing * * * Fancy Cut Wax Beans * * * Packed * * * by the Winorr Canning Company."

On January 20, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution after the word "Fancy" had been removed from all the labels.

8101. Adulteration of canned sliced beets. U. S. v. 53 Cases of Canned Beets. Consent decree of condemnation and destruction. (F. D. C. No. 6835. Sample No. 65949-E.)

Examination showed that this product was undergoing progressive spoilage.

On February 11, 1942, the United States attorney for the District of Colorado filed a libel against 53 cases of canned beets at Denver, Colo., which had been