

**LABEL, IN PART:** "Blue Winner Whole Unpeeled Apricots."

**VIOLATIONS CHARGED:** Misbranding, Section 403 (h) (1), the product purported to be and was represented as canned apricots, a food for which a standard of quality has been prescribed by the regulations, but its quality fell below the standard since the weight of the largest unit in the container was more than twice the weight of the smallest unit therein; and, Section 403 (h) (2), it also fell below the standard for fill of container prescribed by the regulations, since there was not present in the container the maximum quantity of the apricot ingredient which could be sealed in the container and processed by heat to prevent spoilage, without crushing the ingredient, and it failed to bear a label stating that it fell below such standard.

**DISPOSITION:** June 12, 1945. The Lagomarcino Grupe Co., Davenport, Iowa, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released for relabeling, under the supervision of the Food and Drug Administration.

**8406. Misbranding of canned apricots. U. S. v. 68 Cases of Canned Apricots. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 14835. Sample No. 74775-F.)**

**LABEL FILED:** January 5, 1945, District of Oregon.

**ALLEGED SHIPMENT:** On or about August 21, 1944, by the Bercut-Richards Packing Co., from Sacramento, Calif.

**PRODUCT:** 68 cases, each containing 6 cans, of apricots at Portland, Oreg.

**LABEL, IN PART:** "Dundee Brand Sweetened Pie Apricots."

**VIOLATIONS CHARGED:** Misbranding, Section 403 (g) (2), the article failed to conform to the definition and standard of identity which has been prescribed by the regulations for canned apricots, since its label failed to bear the name of the optional apricot ingredient present, peeled halves; and, Section 403 (h) (1), it failed to conform to the standard of quality prescribed by the regulations for canned apricots since the apricots were in containers holding 20 or more apricot units, and more than 5 percent of the units in the container were crushed and broken.

**DISPOSITION:** February 7, 1945. Hudson-Duncan and Co., Portland, Oreg., claimant, 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.

**8407. Adulteration of olives. U. S. v. 128 Cases of Olives. Default decree of condemnation and destruction. (F. D. C. No. 15089. Sample No. 303-H.)**

**LABEL FILED:** January 31, 1945, Southern District of Florida.

**ALLEGED SHIPMENT:** On or about December 30, 1944, by Quartermaster S. O., Atlanta A. S. F. Depot, from Atlanta, Ga.

**PRODUCT:** 1 case containing 4 1-gallon jars; 75 cases, each containing 12 10-ounce jars; and 52 cases, each containing 12 21-ounce jars, of olives at Jacksonville, Fla. Examination showed that the product was undergoing fermentation.

**LABEL, IN PART:** "Yacht Club Spanish Queen Olives," or "Monarch Spanish Queen Olives."

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

**DISPOSITION:** April 9, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**8408. Misbranding of canned, diced peaches and pears. U. S. v. 248 Cases of Diced Peaches and Pears. Consent decree ordering that the product be released under bond. (F. D. C. No. 14946. Sample No. 85945-F.)**

**LABEL FILED:** January 2, 1945, District of Colorado.

**ALLEGED SHIPMENT:** On or about November 9, 1944, by Flotill Products, Inc., from Modesto, Calif.

**PRODUCT:** 248 cases, each containing 24 cans, of peaches and pears at Denver, Colo. This product consisted of chopped (irregularly cut and disintegrated) peaches and pears.

**LABEL, IN PART:** "Flotill Diced Peaches and Pears in Heavy Syrup."

**VIOLATION CHARGED:** Misbranding, Section 403 (a), the label statement, "Diced," and the vignette depicting diced peaches and pears were false and misleading as applied to an article containing chopped peaches and pears.

**DISPOSITION:** August 9, 1945. Flotill Products, Inc., claimant, having consented to the entry of a decree, judgment was entered ordering that the product be released under bond for relabeling under the supervision of the Food and Drug Administration.

#### DRIED FRUIT

**8409. Adulteration of dried apricots. U. S. v. 27 Bags of Dried Apricots. Default decree of condemnation and destruction. (F. D. C. No. 15878. Sample Nos. 10031-H, 10039-H.)**

**LIBEL FILED:** April 6, 1945, Western District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about February 24, 1945, by Kramer Bros., from Chicago, Ill.

**PRODUCT:** 27 bags containing a total of approximately 1,620 pounds of dried apricots, at Pittsburgh, Pa.

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of filthy and decomposed substances by reason of the presence of rodent pellets, dirty and insect-infested apricots, and moldy apricots.

**DISPOSITION:** April 27, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**8410. Adulteration of dried apricots. U. S. v. 59 Cases of Dried Apricots. Default decree of condemnation and destruction. (F. D. C. No. 14990. Sample No. 74848-F.)**

**LIBEL FILED:** February 1, 1945, Western District of Washington.

**ALLEGED SHIPMENT:** On or about December 19, 1944, by F. E. Hadley and Sons, from Merced, Calif.

**PRODUCT:** 59 20-pound cases of dried apricots at Seattle, Wash.

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of worms, insect fragments, and insect-infested, moldy, and decomposed apricots.

**DISPOSITION:** April 28, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**8411. Adulteration of dried whole peaches. U. S. v. 39 Cases of Dried Whole Peaches. Default decree of condemnation and destruction. (F. D. C. No. 14969. Sample No. 83555-F.)**

**LIBEL FILED:** January 15, 1945, Western District of Washington.

**ALLEGED SHIPMENT:** On or about October 20, 1944, by the Albert Asher Co., from San Francisco, Calif.

**PRODUCT:** 39 25-pound cases of dried whole peaches at Seattle, Wash.

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and rodent hair fragments.

**DISPOSITION:** April 28, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**8412. Adulteration of dried whole peaches. U. S. v. 99 Boxes of Dried Peaches. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 14762. Sample No. 73006-F.)**

**LIBEL FILED:** December 14, 1944, District of Nevada.

**ALLEGED SHIPMENT:** On or about August 8, 1944, by the Albert Asher Co., from San Francisco, Calif.

**PRODUCT:** 99 25-pound boxes of dried peaches at Reno, Nev.

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, insect excreta, and rodent excreta.

**DISPOSITION:** January 19, 1945. Lindley and Co., Reno, Nev., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.