

LABEL, IN PART: "Gervas * * * Red Sour Pitted Cherries in Water Packed By Gervas Canning Company, Inc., Fredonia, N. Y."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the quality of the product fell below the standard for canned cherries prescribed by the regulations; and its label failed to bear, in such manner and form as the regulations specify, a statement that it fell below such standard.

DISPOSITION: May 28, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

8741. Misbranding of canned peaches. U. S. v. 21 Cases and 149 Cases of Canned Peaches. Consent decree of condemnation. Product ordered released under bond. (F. D. C. Nos. 15275, 15277. Sample No. 2501-H.)

LIBELS FILED: February 17, 1945, Southern District of West Virginia.

ALLEGED SHIPMENT: On or about November 23, 1944, by the Hawksbill Cannery, from Luray, Va.

PRODUCT: 170 cases, each containing 24 cans, of peaches at Charleston, W. Va.

LABEL, IN PART: "Hawksbill Brand Yellow Freestone Peaches in Light Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the quality of the product fell below the standard for canned peaches prescribed by the regulations since the weight of the largest unit in the container was more than twice the weight of the smallest unit, and all units were not untrimmed or so trimmed as to preserve normal shape; and (portion), Section 403 (g) (2), the label failed to bear, as required by the definition and standard for canned peaches, the name of the optional packing medium present in the article, since the label bore the statement "in Light Syrup," whereas the article was packed in sirup designated as "Slightly sweetened water" in the standard.

DISPOSITION: March 22, 1945. The Kroger Grocer and Baking Co., Charleston, W. Va., claimant, having admitted the material allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond, conditioned that it be relabeled under the supervision of the Food and Drug Administration.

8742. Misbranding of canned peaches. U. S. v. 166 Cases of Peaches. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 15255. Sample No. 2513-H.)

LIBEL FILED: February 12, 1945, Southern District of West Virginia.

ALLEGED SHIPMENT: On or about December 22, 1944, by the Kroger Grocery and Baking Co., from Roanoke, Va.

PRODUCT: 166 cases, each containing 24 1-pound, 13-ounce cans, of peaches at Charleston, W. Va.

LABEL, IN PART: "Zigler's Yellow Freestone Halves Peaches in Light Syrup Packed in U. S. A. by Zigler Canning Company Timberville, Va."

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 therein, all of the units were not untrimmed or so trimmed as to preserve their normal shape, and the label failed to bear, as required by the regulations, the statement that the product fell below the standard.

DISPOSITION: March 22, 1945. The Kroger Grocery and Baking Co., claimant, having admitted the material allegations of the libel, 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.

8743. Adulteration of canned pineapple. U. S. v. 135½ Cases of Canned Crushed Pineapple. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 15389. Sample Nos. 28007-H, 28008-H.)

LIBEL FILED: February 17, 1945, Western District of Washington.

ALLEGED SHIPMENT: During January 1945, by the Hawaiian Pineapple Co., from Honolulu, T. H.

PRODUCT: 135½ cases, each containing 6 cans, of crushed pineapple at Seattle, Wash. Examination showed that the cans were rusty, leaking, and contained pinholes, and that the product in the cans was fermented.