

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.

NATURE OF CHARGE: Adulteration, Section 402(a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: March 1, 1945. The Hawaiian Pineapple Co., Ltd., Seattle, Wash., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be segregated and sorted, and the bad portion to be destroyed, under the supervision of the Food and Drug Administration.

DRIED FRUIT

8744. Adulteration of raisins. U. S. v. 3,200 Cases of Raisins. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 15421. Sample No. 13709-H.)

LIBEL FILED: February 24, 1945, Northern District of Ohio.

ALLEGED SHIPMENT: On or about January 23, 1944, by the Fresno Consumers Ice Co., from Fresno, Calif.

PRODUCT: 3,200 cases, each containing 25 pounds, of raisins at Cleveland, Ohio.

LABEL, IN PART: "Wesco Brand California Thompson Seedless Raisins."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae, moths, and insect fragments.

DISPOSITION: April 27, 1945. The San Benito Co., New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be used only for purposes of distillation.

8745. Adulteration of raisins. U. S. v. 74 Boxes of Raisins. Default decree of condemnation and destruction. (F. D. C. No. 15207. Sample No. 10204-H.)

LIBEL FILED: February 6, 1945, Northern District of Ohio.

ALLEGED SHIPMENT: On or about December 20, 1944, by the H. J. Heinz Co., Pittsburgh, Pa.

PRODUCT: 74 30-pound boxes of raisins at Youngstown, Ohio

LABEL, IN PART: "Sun-Maid Midget Thompson Seedless Raisins Sun-Maid Raisin Growers of California, Fresno, California."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of moths and larvae.

DISPOSITION: March 12, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8746. Adulteration of raisins. U. S. v. 50 Cases of Raisins. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 15169. Sample No. 27512-H.)

LIBEL FILED: On or about February 8, 1945, District of Oregon.

ALLEGED SHIPMENT: On or about July 6, 1944, by the California Raisin Co., from Fowler, Calif.

PRODUCT: 50 cases, each containing 48 15-ounce packages, of raisins at Portland, Oreg.

LABEL, IN PART: (Packages) "Sun King Thompson Seedless Raisins."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of larvae, cocoons, and insect-infested raisins.

DISPOSITION: March 31, 1945. The consignee having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for distillation into alcohol, under the supervision of an officer designated by the Federal Security Administrator.

FRESH FRUIT

8747. Adulteration of apples. U. S. v. 18 Bushel Boxes of Apples. Default decree of condemnation. Product ordered delivered to a State institution. (F. D. C. No. 15110. Sample No. 90188-F.)

LIBEL FILED: December 26, 1944, Eastern District of Arkansas.

ALLEGED SHIPMENT: On or about November 16, 1944, by the Yakima County Horticultural Union, from Yakima, Wash.