

ALLEGED SHIPMENT: On or about October 30, 1945, from San Francisco, Calif., by the Sunset Fruit Co.

PRODUCT: 27 cases, each containing 6 6-pound, 10-ounce cans, of peaches at Brooklyn, N. Y.

LABEL, IN PART: "Baker's Best Brand Solid Pack Yellow Cling Peaches * * * Packed By Harter Packing Company Yuba City California."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement, "Solid Pack Yellow Cling Peaches," was false and misleading as applied to the product, which consisted of halves of peaches packed in water; and, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned peach halves since the standard requires that all units be untrimmed, or so trimmed as to preserve their normal shape, whereas all peach units of the article were not untrimmed, or so trimmed as to preserve their normal shape, and the label failed to bear a statement that the product fell below the standard.

DISPOSITION: May 15, 1946. The Harter Packing Co., 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 Federal Security Agency.

9507. Misbranding of canned pears. U. S. v. 65 Cases of Canned Pears. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 18836. Sample No. 882-H.)

LIBEL FILED: January 11, 1946, Middle District of Georgia.

ALLEGED SHIPMENT: On or about November 7, 1945, by Schuckl and Co., Inc., from Sunnyvale, Calif.

PRODUCT: 65 cases, each containing 24 1-pound, 12-ounce cans, of pears at Albany, Ga.

LABEL, IN PART: "Regular Brand Halved Bartlett Pears."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product was below standard in quality since all the pear units were not untrimmed, or so trimmed as to preserve their normal shape, and the label failed to bear a substandard legend, as is required by the regulations.

DISPOSITION: February 6, 1946. The C. D. Kenny Division, Consolidated Grocers Corporation, Baltimore, Md., 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.

DRIED FRUIT

9508. Adulteration of dried fruit. U. S. v. Albert Asher (Albert Asher Co.). Plea of nolo contendere. Fine, \$250. (F. D. C. No. 18591. Sample Nos. 60643-F, 60648-F, 70646-F, 73006-F, 83555-F.)

INFORMATION FILED: January 14, 1946, Northern District of California, against Albert Asher, trading as the Albert Asher Co., San Francisco, Calif.

ALLEGED SHIPMENT: Between the approximate dates of April 1 and October 20, 1944, from the State of California into the States of Nevada and Washington.

LABEL, IN PART: (Portion) "Santa Clara Prunes," "Bon Ton California Santa Clara Prunes," "Progreso Brand Choice California Black Figs," or "Whole Cling [or "Unpitted Special"] Peaches."

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 insect pellets, insects, insect excreta, insect fragments, rodent hairs, and rodent excreta; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: February 11, 1946. A plea of nolo contendere having been entered, the defendant was fined \$250.

9509. Adulteration of dried fruit. U. S. v. 373 Boxes of Dried Fruit. Default decree of condemnation and destruction. (F. D. C. No. 19205. Sample No. 1083-H.)

LIBEL FILED: February 15, 1946, Western District of South Carolina.

ALLEGED SHIPMENT: On or about August 23 and September 5, 1945, by Cayol Foods, from Minneapolis, Minn.