

**12525. Misbranding of canned peaches. U. S. v. 100 Cases \* \* \*. (F. D. C. No. 23687. Sample No. 85467-H.)**

**LIBEL FILED:** September 8, 1947, Eastern District of Virginia.

**ALLEGED SHIPMENT:** On or about July 16, 1947, from Easley, S. C., by Taylor & Sledd, Inc.

**PRODUCT:** 100 cases, each containing 24 1-pound, 14-ounce cans, of peaches at Morrison, Va. Examination showed that the product was peach halves and that it was packed in light sirup.

**LABEL, IN PART:** "Durham Maid Brand."

**NATURE OF CHARGE:** Misbranding, Section 403 (g) (2), the article purported to be and was represented as canned peaches, a food for which a definition and standard of identity had been prescribed by regulations, and its label failed to bear, as required by the definition and standard, the names of the optional packing medium and the optional peach ingredient present in the article, since the label bore the statement "Durham Maid Brand Yellow Peeled Freestone Peaches Mixed Pieces of Irregular Sizes and Shapes in Heavy Syrup"; whereas the article was packed in sirup designated as "light sirup" in the standard, and the peach ingredient of the article is designated as "halves" in the standard.

**DISPOSITION:** October 1, 1947. Taylor & Sledd, Inc., having appeared as claimant, judgment was entered ordering that the product be released under bond for relabeling, under the supervision of the Food and Drug Administration.

**12526. Adulteration of canned prune plums and prunes, and canned cherries. U. S. v. Stayton Canning Co. Cooperative, a Corporation, and Fernando M. Smith. Pleas of nolo contendere. Fines of \$350 against the corporation and \$25 against Fernando M. Smith. (F. D. C. No. 21511. Sample Nos. 58202-H, 58203-H, 58219-H, 58221-H, 58224-H, 58241-H, 58253-H.)**

**INFORMATION FILED:** January 23, 1947, against the Stayton Canning Co. Cooperative, Stayton, Oreg., and Fernando M. Smith, vice president.

**ALLEGED SHIPMENT:** December 15, 17, 27, and 28, 1945, from the State of Oregon into the State of Montana.

**LABEL, IN PART:** "Santiam Brand \* \* \* Prune Plums," "Santiam Brand \* \* \* Prunes," or "Santiam Brand Light Sweet Royal Anne Cherries."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the canned prune plums and prunes consisted in part of decomposed substances by reason of the presence of decomposed fruit, and the canned cherries consisted in part of a filthy substance by reason of the presence of maggots.

**DISPOSITION:** February 13, 1947. Pleas of nolo contendere; fines of \$350 against the corporation and \$25 against Fernando M. Smith.

**12527. Misbranding of canned fruit cocktail. U. S. v. 443 Cases \* \* \*. (F. D. C. No. 21222. Sample No. 45855-H.)**

**LIBEL FILED:** October 4, 1946, District of New Jersey.

**ALLEGED SHIPMENT:** On or about August 16, 1946, by Schuckl & Co., Inc., from Oakland, Calif.

**PRODUCT:** 443 cases, each containing 24 cans, of fruit cocktail at Kearney, N. J.

**LABEL, IN PART:** "Sun Haven Fruit Cocktail \* \* \* Net Weight 1 Lb. 13 Oz."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (2), the article fell below the standard of fill of container for canned fruit cocktail, since the total weight of the drained fruit was less than 65 percent of the water capacity of the container, and its label failed to bear a statement that it fell below such standard.

**DISPOSITION:** June 30, 1947. Schuckl & Co., Inc., 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 Food and Drug Administration.

**12528. Adulteration of prunes. U. S. v. 498 Cartons \* \* \*. (F. D. C. No. 23031. Sample No. 77558-H.)**

**LIBEL FILED:** May 13, 1947, District of Minnesota.

**ALLEGED SHIPMENT:** On or about March 31, 1947, by Taggart Dried Fruits, from Hollister, Calif.

PRODUCT: 498 25-pound cartons of prunes at St. Paul, Minn.

LABEL, IN PART: "Taggart's Brand Med. Pitted Santa Clara Prunes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (1), the article contained a deleterious substance, broken pieces and slivers of prune pits, which may have rendered the article injurious to health.

DISPOSITION: July 21, 1947. Associated Activities, Inc., Minneapolis, Minn., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be brought into compliance with the law, under the supervision of the Federal Security Agency.

**12529. Adulteration of raisins. U. S. v. 1,000 Boxes \* \* \*. (F. D. C. No. 20579. Sample Nos. 46532-H, 46533-H.)**

LIBEL FILED: August 2, 1946, District of Puerto Rico.

ALLEGED SHIPMENT: On or about April 15, 1946, by Rosenberg Bros. & Co., from San Francisco, Calif.

PRODUCT: 400 25-pound boxes and 600 30-pound boxes of muscat raisins at San Juan, Puerto Rico.

LABEL, IN PART: "Ungraded Loose Muscat Raisins."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of moldy raisins.

DISPOSITION: October 31, 1946. Mendez Martinez & Co., Sucrs., San Juan, Puerto Rico, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be sold and exported outside of the United States, its territories, and possessions, and that the claimant furnish proof of such sale, if required, to the Federal Security Administration.

On October 21, 1947, the claimant filed a motion, alleging that it had sold but 200 boxes of the product and was unable to sell and export the remainder, and requesting that an order be entered for the destruction of the raisins remaining in its possession.

On October 23, 1947, the court ordered the unsold raisins (796 boxes) destroyed.

**12530. Adulteration of seedless raisins. U. S. v. 27 Cartons \* \* \*. (F. D. C. No. 24011. Sample No. 37314-K.)**

LIBEL FILED: December 11, 1947, Southern District of California.

ALLEGED SHIPMENT: On or about November 13, 1947, by Van de Kamp's Bakeries, from Seattle, Wash. This was a return shipment.

PRODUCT: 27 cartons, each containing 30 pounds, of seedless raisins at Dinuba, Calif.

LABEL, IN PART: "Pel Pak Brand Midgets Thompson Seedless Raisins Packed by Peloian Packing Co., Dinuba, Calif."

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 and other insects, and insect excreta and webbing.

DISPOSITION: February 5, 1948. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

#### FRESH AND FROZEN FRUIT

**12531. Adulteration of blackberries. U. S. v. 55 Crates \* \* \*. (F. D. C. No. 23667. Sample No. 87148-H.)**

LIBEL FILED: August 28, 1947, District of Massachusetts.

ALLEGED SHIPMENT: On or about August 12, 1947, by F. S. Merlino, from Hammononton, N. J.

PRODUCT: 55 crates, each containing 24 1-quart baskets, of blackberries at Boston, Mass.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of moldy blackberries.