

12700. Misbranding of canned peaches and canned apricots. U. S. v. 748 Cases of Canned Peaches (and 1 seizure action against canned apricots).
(F. D. C. Nos. 23851, 24295. Sample Nos. 46441-H, 33225-K.)

LIBELS FILED: October 15, 1947, and January 2, 1948, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about September 8 and November 20, 1947, by Parrott & Co., from Stockton and San Francisco, Calif.

PRODUCT: 748 cases, each containing 24 1-pound cans, of peaches and 228 cases, each containing 48 1-pound cans, of apricots at Philadelphia, Pa.

LABEL, IN PART: "Kellogg's Supreme Quality Sliced Yellow Cling Peaches In Extra Heavy Syrup H. Kellogg & Sons Distributors, Philadelphia, Pa." or "Montco * * * Whole Peeled Apricots In Extra Heavy Syrup Wm. Montgomery Company Phila., Pa. Distributors."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the labels of the products failed to bear the name of the optional packing medium present, since the labels bore the statement "In Extra Heavy Syrup," whereas the articles were packed in sirup designated as "Heavy Syrup" in the definition and standard of identity for canned peaches and canned apricots.

DISPOSITION: December 11, 1947, and February 9, 1948. H. Kellogg & Sons, Philadelphia, Pa., claimant for the canned peaches, and Parrott & Company, San Francisco, Calif., claimant for the canned apricots, having consented to the entry of decrees, judgments of condemnation were entered and the products were ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

12701. Misbranding of canned peaches. U. S. v. 83 Cases * * *. (F. D. C. No. 23867. Sample No. 55353-H.)

LIBEL FILED: October 31, 1947, Southern District of Florida.

ALLEGED SHIPMENT: On or about July 24, 1947, by Markham Brothers & Co., from Fort Valley, Ga.

PRODUCT: 83 cases, each containing 24 1-pound, 5-ounce cans, of peaches at Jacksonville, Fla.

LABEL, IN PART: "Pride of Georgia Peaches In Heavy Syrup Yellow Free-stone Slices."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article was substandard in quality, since it failed to meet the test for tenderness prescribed by the regulations, and all units were not untrimmed or so trimmed as to preserve normal shape, as required by the regulations; and, in addition, the label failed to bear a substandard legend, as required by the regulations.

DISPOSITION: December 2, 1947. Markham Brothers & Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling, under the supervision of the Federal Security Agency.

12702. Misbranding of canned dried prunes. U. S. v. 1,017 Cases * * *. (F. D. C. No. 23814. Sample No. 75067-H.)

LIBEL FILED: October 17, 1947, Western District of Washington.

ALLEGED SHIPMENT: On or about August 28, 1947, by the Ace Packing Co., Castroville, Calif.

PRODUCT: 1,017 cases, each containing 24 1-pound, 5-ounce cans, of dried prunes at Seattle, Wash.

LABEL, IN PART: "Top Line Brand Dried Prunes In Heavy Syrup Contents 1 Lb. 5 Ozs."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. (The product was short-weight.)

DISPOSITION: January 19, 1948. The Fortune Fisheries, San Francisco, Calif., 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.