

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

DISPOSITION: November 10, 1947. Default decree of condemnation and destruction. The product was delivered to a Federal institution, for use as hog feed.

12920. Misbranding of clam nectar. U. S. v. 200 Cartons * * *. (F. D. C. No. 21816. Sample No. 72659-H.)

LIBEL FILED: December 5, 1946, District of Utah.

ALLEGED SHIPMENT: On or about October 1, 1946, by the Kelley Clark Co., from Seattle, Wash.

PRODUCT: 200 cartons, each containing 48 15-fluid-ounce cans, of clam nectar at Salt Lake City, Utah. The product was found to be short-volume.

LABEL, IN PART: "Haines Fancy Alaska Clam Nectar Net Weight 15 Fl. Oz. Packed For Haines Oyster Company Seattle, Wash."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: February 11, 1947. Alaska Sea Foods, Inc., Seattle, Wash., 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.

FRUITS AND VEGETABLES

CANNED AND DRIED FRUIT

12921. Misbranding of canned blueberries. U. S. v. 169 Cases * * *. (F. D. C. No. 24427. Sample Nos. 28474-K, 28736-K.)

LIBEL FILED: February 3, 1948, District of Colorado.

ALLEGED SHIPMENT: On or about October 10, 1947, by the H. L. Forhan Co., from Portland, Maine.

PRODUCT: 169 cases, each containing 24 1-pound, 4-ounce cans, of blueberries at Denver, Colo. Examination showed that the product was not fancy, because of excessive cap stems and clusters, and a mushy, soft character, and that the article was packed in water.

LABEL, IN PART: "Raymond Brand Fancy Maine Blueberries." On some of the cans the word "Fancy" was blocked out.

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement on some of the cans of the article "Fancy Maine Blueberries" was false and misleading as applied to an article that was not fancy grade; and, Section 403 (i) (2), the article was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient, since water was not declared.

DISPOSITION: March 29, 1948. The H. L. Forhan 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.

12922. Misbranding of canned peaches. U. S. v. 869 cases * * *. (F. D. C. No. 24116. Sample Nos. 8798-K, 33206-K.)

LIBEL FILED: November 24, 1947, Southern District of New York.

ALLEGED SHIPMENT: On or about October 3, 1947, by Hunt Foods, Inc., from Stockton, Calif.

PRODUCT: 869 cases, each containing 24 1-pound, 13-ounce cans, of peaches at New York, N. Y.

LABEL, IN PART: "Val Vita Brand Sliced Yellow Cling Peaches * * * Packed * * * For Val Vita Food Co. San Francisco, California."

NATURE OF CHARGE: Misbranding, Section 403 (a), the design on the label depicting normal slices of peaches was misleading as applied to an article which contained units not all of which were untrimmed or so trimmed as to preserve normal shape. Further misbranding, Section 403 (h) (1), the quality of the article fell below the standard of quality for sliced yellow cling peaches, since

all units of the article were not untrimmed, or were so trimmed as not to preserve normal shape; and its label failed to bear a statement that it fell below such standard.

DISPOSITION: January 9, 1948. Hunt Foods, Inc., 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 Food and Drug Administration.

12923. Misbranding of canned peaches. U. S. v. 370 Cases * * *. (F. D. C. No. 23526. Sample No. 74986-H.)

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

ALLEGED SHIPMENT: On or about March 18, 1947, by the Manchester Canning Co., Inc., Manchester, N. Y.

PRODUCT: 370 cases, each containing 24 cans, of peaches at Springfield, Mass.

LABEL, IN PART: "Manchester Brand Yellow Freestone Halves Peaches Contents 1 Lb. 13 Oz. Extra Standard Quality."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Extra Standard Quality" was false and misleading, since the peaches were substandard in quality; Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents (the cans were short-weight); Section 403 (g) (2), the product was canned peaches, a food for which a definition and standard of identity has been prescribed by regulations, and its label failed to bear, as required by such regulations, the name of the optional packing medium present in the food, i. e., light sirup.

Further misbranding, Section 403 (h) (1), the product failed to conform to the standard of quality for canned peaches, since all of the peach units were not untrimmed, or were so trimmed as not to preserve normal shape; and its label failed to bear the substandard legend.

DISPOSITION: February 27, 1948. The Manchester Canning Co., Inc., 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.

12924. Misbranding of canned fruit cocktail. U. S. v. 373 Cases, etc. (F. D. C. No. 22744. Sample Nos. 62591-H, 62592-H.)

LIBEL FILED: March 31, 1947, District of Maine.

ALLEGED SHIPMENT: On or about February 19, 1947, by the United States Products Corporation, Ltd., from San Jose, Calif.

PRODUCT: 373 cases, each containing 24 1-pound, 14-ounce cans, and 271 cases, each containing 6 6-pound, 12-ounce cans, of fruit cocktail at Portland, Maine.

LABEL, IN PART: "Superba Fruit Cocktail," and "Milliken Tomlinson Company's Superba Brand Fruit Cocktail."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for canned fruit cocktail, since it contained in the mixture of drained fruit more than 50 percent by weight of pitted, peeled, and diced peaches, the maximum permitted by the standard, and less than 6 percent of whole grapes, the minimum permitted by the standard.

Further misbranding, Section 403 (h) (2), the article fell below the standard of fill of container for canned fruit cocktail, which standard provides that the total weight of the drained fruit is not less than 65 percent of the weight of water required to fill the container; and its label failed to bear a statement that it fell below the standard of fill of container.

DISPOSITION: October 24, 1947. The United States Products Corporation, Ltd., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for the relabeling or the refilling of the containers, or, otherwise, for the reprocessing of the product, so that it would comply with the requirements of the law, under the supervision of the Federal Security Agency.

12925. Adulteration of dried prunes. U. S. v. 52 Cases * * *. (F. D. C. No. 24430. Sample No. 36613-K.)

LIBEL FILED: February 4, 1948, Western District of Washington.

ALLEGED SHIPMENT: On or about November 21, 1947, by the Hudson Duncan Co., from Dundee, Oreg.