

PRODUCT: 498 cases, each containing 24 1-pound, 14-ounce cans, of apricots at Albany, N. Y.

LABEL, IN PART: "Earl Ripe Whole Peeled Apricots in Light Syrup
* * * Distributed by United States Products Corporation Ltd. San Jose, Calif."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the product purported to be and was represented as canned apricots, a food for which a definition and standard of identity had been prescribed by the regulations, and its label failed to bear the name of the optional packing medium present in the food as required by the regulations, since the label bore the statement "in Light Syrup" and the article was packed in slightly sweetened water; and, Section, 403 (h) (1), the product fell below the standard of quality for canned apricots, since more than 5 percent of the units in the container were crushed or broken and the label failed to bear the substandard legend.

DISPOSITION: April 6, 1948. 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 to be relabeled under the supervision of the Food and Drug Administration.

13115. Adulteration and misbranding of canned cherries. U. S. v. Stockton Food Products, Inc., and William A. Bundy. Pleas of guilty. Corporation fined \$5,000; individual fined \$2,000 and placed on 2 years' probation. (F. D. C. No. 22100. Sample Nos. 63891-H, 63899-H.)

INFORMATION FILED: July 7, 1947, Northern District of California, against the Stockton Food Products, Inc., Stockton, Calif., and William A. Bundy, president.

ALLEGED SHIPMENT: On or about June 5 and 13, 1946, from the State of California into the State of New York.

LABEL, IN PART: "Real-Ripe Brand Dark Sweet Cherries," or "Heart O' Quality Brand Royal Anne Cherries * * * Extra Heavy Syrup."

NATURE OF CHARGE: Dark sweet cherries. Adulteration, Section 402 (a) (3), the product consisted in part of decomposed cherries.

Royal Anne cherries. Misbranding, Section 403 (a), the label statement "Extra Heavy Syrup" was false and misleading, since the product was packed in heavy sirup; and, Section 403 (g) (2), the product purported to be and was represented as canned cherries, a food for which a definition and standard of identity had been prescribed by the regulations, and its label failed to bear the name of the optional packing medium present, since the label bore the statement "Extra Heavy Syrup," whereas the article was packed in heavy sirup.

DISPOSITION: August 18, 1947. Pleas of guilty having been entered on behalf of the defendants, the corporation was fined \$5,000 and the individual defendant was fined \$2,000 and placed on 2 years' probation.

13116. Adulteration of canned cherries. U. S. v. 698 Cases * * *. (F. D. C. No. 24693. Sample No. 32236-K.)

LIBEL FILED: March 29, 1948, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about February 28, 1948, by the Escalon Packers, Inc., from Stockton, Calif.

PRODUCT: 698 cases, each containing 24 1-pound, 13-ounce cans, of cherries at Philadelphia, Pa.

LABEL, IN PART: "Mercato Brand Dark Sweet Cherries."

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

DISPOSITION: June 14, 1948. Default decree of condemnation and destruction.

13117. Misbranding of canned cherries. U. S. v. 85 Cases * * *. (F. D. C. No. 24588. Sample Nos. 37326-K, 37330-K.)

LIBEL FILED: April 8, 1948, Western District of Washington.

ALLEGED SHIPMENT: On or about September 15, 1947, by the Paulus Bros. Packing Co., from Salem, Oreg.