

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article was unfit for food by reason of its abnormal odor, taste, and color, rendering it unpalatable.

DISPOSITION: November 16, 1948. Default decree of condemnation. The product was ordered delivered to a charitable institution. The institution was informed that a portion of the product was fit for food, and the institution offered assurances that all cans would be examined before use and that all material unfit for food would be discarded.

14029. Adulteration of canned peaches. U. S. v. 42 Cases * * *. (F. D. C. No. 25557. Sample No. 40218-K.)

LIBEL FILED: September 13, 1948, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about August 5, 1948, by the Capital Wholesale Grocery Co., from Baltimore, Md.

PRODUCT: 42 cases, each containing 24 cans, of peaches at Parksley, Va.

LABEL, IN PART: "Buckingham Brand Peaches Contents 1 Lb. 13 Ozs. [or "1 Lb. 14 Ozs.,"] Packed by Buckingham Farmers Co-Op., Inc., Dillwyn, Va."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article was unfit for food by reason of its abnormal odor, taste, and color, rendering it unpalatable.

DISPOSITION: November 18, 1948. Default decree of condemnation and destruction.

14030. Adulteration and misbranding of canned peaches. U. S. v. 399 Cases * * * (and 3 other seizure actions). (F. D. C. Nos. 23525, 23841, 24178, 24370. Sample Nos. 54170-H, 55536-H, 55537-H, 425-K, 438-K, 439-K.)

LIBELS FILED: July 31, October 2, and December 10, 1947, and March 5 1948, Middle and Western Districts of North Carolina and Southern District of Indiana.

ALLEGED SHIPMENT: Between the approximate dates of August 10 and 21, 1946, by the Jones Brothers Canning Co., Greer, S. C.

PRODUCT: Canned peaches. 739 cases at Winston-Salem, N. C., 399 cases at Indianapolis, Ind., and 163 cases at Charlotte, N. C. Each case contained 24 1-pound, 13-ounce cans.

LABEL, IN PART: "Greer Brand" or "Cedar Rock Brand."

NATURE OF CHARGE: Adulteration (portion of Winston-Salem lot, 482 cases), Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of worms and worm excreta, larvae, and worm-damaged peaches.

Misbranding, Section 403 (h) (1), the product was substandard in quality because of failure to meet the test for tenderness established by the regulations, and its label failed to bear the substandard legend; and (portion of Indianapolis lot), Section 403 (g) (2), the label failed to bear the name of the optional packing medium present in the article since it bore the statement "In Light Syrup," whereas the article was packed in slightly sweetened water.

DISPOSITION: October 22 and November 15, 1947, and January 15 and April 16, 1948. Default decrees of condemnation. The products were ordered delivered to public and charitable institutions, conditioned that the adulterated portions be used for animal feed.

14031. Misbranding of canned peaches. U. S. v. 338 Cases * * *. (F. D. C. No. 25790. Sample No. 19187-K.)

LIBEL FILED: October 1, 1948, Southern District of Ohio.

ALLEGED SHIPMENT: On or about June 14, 1948, by J. W. Siegfried, Jr., and Co., from Appomattox, Va.

PRODUCT: 338 cases, each containing 24 1-pound, 14-ounce cans, of peaches at Cincinnati, Ohio.

LABEL, IN PART: "Dixianna Brand Yellow Freestone Peaches Halves." A portion was labeled "In Light Syrup," and the remainder was labeled "In Heavy Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product fell below the standard of quality prescribed for canned peaches since all units were not untrimmed or so trimmed as to preserve normal shape, and its label failed to bear the statement that it fell below the standard; and, Section 403 (g) (2), (portion of product) the labels failed to bear the name of the optional packing medium since they bore the statement "In Heavy Syrup," whereas the product was packed in light sirup.

DISPOSITION: November 23, 1948. Albers Super Markets, Inc., Cincinnati, Ohio, 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 Federal Security Agency.

14032. Misbranding of canned peaches. U. S. v. 243 Cases * * *. (F. D. C. No. 25633. Sample Nos. 27457-K, 27458-K.)

LIBEL FILED: September 13, 1948, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about July 24, 1948, by Roberts Brothers, Inc., from Americus, Ga.

PRODUCT: 243 cases, each containing 48 15-ounce cans, of peaches at St. Louis, Mo.

LABEL, IN PART: "Halves [or "Sliced"] Freestone Peaches In Heavy Syrup School Days."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the product purported to be and was represented as canned peaches, a food for which a definition and standard of identity has been prescribed by the regulations, and its label failed to bear as required by the definition and standard the name of the optional peach ingredient and the name of the optional packing medium present since the varietal group (yellow) of peaches was not declared and since its label bore the statement "In Heavy Syrup," whereas the product was packed in a sirup designated as "light sirup" in such standard.

DISPOSITION: December 28, 1948. Roberts Brothers, 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 brought into compliance with the law, under the supervision of the Federal Security Agency.

DRIED FRUIT

14033. Adulteration of evaporated apples. U. S. v. 50 Cartons * * *. (F. D. C. No. 25410. Sample No. 23276-K.)

LIBEL FILED: August 25, 1948, Southern District of Texas.

ALLEGED SHIPMENT: On or about April 19, 1948, from Empire, Calif.

PRODUCT: 50 25-pound cartons of evaporated apples at Houston, Tex.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: October 5, 1948. Default decree of condemnation. The product was ordered delivered to a public institution, for use as stock feed.