

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.