

Further misbranding, Section 403 (h) (1), (both lots of peach halves) the products fell below the standard of quality for canned peaches since the largest peach unit in the container was more than twice the size of the smallest, and all of the peach units were not untrimmed or so trimmed as to preserve their normal shape; and their labels failed to bear a statement that the products fell below the standard.

**DISPOSITION:** April 27, 1949. The D & D Foods Co., and the Food Distributors, claimants, having admitted that the products were misbranded and having consented to the entry of a decree, judgment of condemnation was entered and the products were ordered released under bond to be relabeled, under the supervision of the Food and Drug Administration.

**14782. Adulteration of raisins. U. S. v. 100 Cartons \* \* \*. (F. D. C. No. 26496. Sample No. 7913-K.)**

**LIBEL FILED:** February 2, 1949, Western District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about November 27, 1945, from San Francisco, Calif.

**PRODUCT:** 100 25-pound cartons of black raisins at Pittsburgh, Pa.

**LABEL, IN PART:** "Alicante Dried Black Grapes."

**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 mold. It was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** February 18, 1949. The Savarese Co., Pittsburgh, Pa., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for segregation of the good portion from the bad, under the supervision of the Federal Security Agency. As the result of the segregation operations, 51 cartons were set aside and denatured for use as hog feed.

**14783. Adulteration and misbranding of plum and grape jelly. U. S. v. 74 Cases, etc. Motion of claimant denied for permission to file cross complaint for damages on breach of warranty. Portion of products condemned and released under bond; remainder condemned and ordered destroyed or reprocessed for use as animal feed. (F. D. C. Nos. 22668 to 22670, incl. Sample Nos. 77201-H to 77203-H, incl., 77205-H to 77211-H, incl.)**

**LIBEL FILED:** March 10, 1947, District of Minnesota; amended libel filed July 5, 1947.

**ALLEGED SHIPMENT:** On various dates including December 17 and 21, 1946, by the Seminole Fruit & Preserving Co., from Little River, Fla.

**PRODUCT:** 301 21/24 cases and 99 cases of plum jelly and 244 4/24 cases of grape jelly at Minneapolis, Minn. Each case contained 24 jars.

**LABEL, IN PART:** (Jars) "Cobbs Pure Tropical Fruit Delicacies Plum [or "Grape"] Jelly \* \* \* Net Wt. 1 lb."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), products of less than 65 percent soluble-solids content had been substituted for plum and grape jelly.

Misbranding, Section 403 (g) (1), the products failed to conform to the definitions and standards of identity for plum jelly and grape jelly since the soluble-solids content of the articles was less than 65 percent, the minimum permitted by the standards.