

LABEL, IN PART: (Can) "Carolina Gold Brand Halved Yellow Freestone Peaches."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned peaches since it failed to meet the test for tenderness prescribed by the standard, and the label failed to bear a statement that the article fell below the standard.

DISPOSITION: November 14, 1951. Carolina Canning Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling under the supervision of the Federal Security Agency.

18126. Misbranding of canned peaches. U. S. v. 199 Cases * * *. (F. D. C. No. 31684. Sample No. 1545-L.)

LIBEL FILED: September 14, 1951, Middle District of North Carolina.

ALLEGED SHIPMENT: On or about August 20, 1951, by Taylor & Sledd, from Easley, S. C.

PRODUCT: 199 cases, each containing 24 1-pound, 13-ounce cans, of peaches at Greensboro, N. C.

LABEL, IN PART: (Can) "Powhatan Brand Yellow Freestone Peaches."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article failed to conform to the standard of quality for canned peaches since it failed to meet the test for tenderness as prescribed in the standard, and the label failed to bear a statement that the article fell below the standard.

DISPOSITION: December 17, 1951. Default decree of condemnation. The court ordered that the product be delivered to charitable institutions for their use and not for sale.

18127. Misbranding of canned peaches. U. S. v. 73 cases, etc. (F. D. C. No. 31605. Sample Nos. 3680-L, 3681-L.)

LIBEL FILED: August 9, 1951, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about July 5, 10, and 11, 1951, by the J. A. Jones Canning Co., from Easley, S. C.

PRODUCT: Peaches. 73 cases, each containing 24 1-pound, 13-ounce cans, and 13 cases, each containing 24 1-pound, 14-ounce cans, at Richmond, Va.

LABEL, IN PART: (Cans) "Powhatan Brand Yellow Freestone Peaches Halves In Heavy Syrup" or "Durham Maid Brand Yellow Peeled Freestone Peaches Halves In Heavy Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the article purported to be and was represented as canned peaches, a food for which a definition and standard of identity had been prescribed by regulations, and the label of the article failed to bear, as required by the regulations, the name of the optional packing medium present in the article since the labels bore the statement "In Heavy Syrup," whereas the Powhatan Brand was packed in the medium designated as slightly sweetened water and the Durham Maid Brand was packed in the medium designated as light sirup in the definition and standard.

Further misbranding, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned peach halves since the weight of some units in the containers of the article was less than $\frac{3}{8}$ of an ounce; the weight of the largest peach half in the container of the article was more than twice the weight of the smallest unit therein; all units of the article were not untrimmed or were so trimmed as not to preserve their normal shape; more than 5% of the units in the container of the article were crushed or broken; more than 20% of the units in the container of the Durham Maid Brand portion of the article were blemished with discoloration; and the labels failed to bear a statement that the article fell below such standard.

DISPOSITION: October 29, 1951. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution.

FROZEN FRUIT

18128. Adulteration of frozen blueberries. U. S. v. 85 Cases * * *. (F. D. C. No. 31693. Sample No. 33059-L.)

LABEL FILED: August 17, 1951, Northern District of Illinois.

ALLEGED SHIPMENT: On or about July 30 and 31 and August 3, 1951, and other dates, by H. K. Cupp & Sons, from Benton Harbor, Mich.

PRODUCT: 85 cases, each containing 16 1-quart boxes, of frozen blueberries at Chicago, Ill.

LABEL, IN PART: "Wildcat Lake Blueberries Max E. Booth Marcellus, Michigan" or "Huckleberries * * * A. R. Franz Dowagiac, Michigan."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance. (Examination showed that the product was infested with maggots.)

DISPOSITION: November 30, 1951. Default decree of condemnation and destruction.

18129. Adulteration of frozen strawberries. U. S. v. Southland Frozen Foods, Inc. Plea of nolo contendere. Fine, \$400. (F. D. C. No. 31535. Sample Nos. 2969-L, 2970-L.)

INFORMATION FILED: September 25, 1951, Western District of New York, against Southland Frozen Foods, Inc., Ontario Center, N. Y.

ALLEGED SHIPMENT: On or about February 26 and March 19, 1951, from the State of New York into the District of Columbia.

LABEL, IN PART: "Distributed by Cortley Frosted Foods, Inc., N. Y. * * * In Sugar Whole Strawberries."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a decomposed substance by reason of the presence of rotten berries.

DISPOSITION: November 26, 1951. A plea of nolo contendere having been entered, the court imposed a fine of \$400.