

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

DISPOSITION: October 8, 1953. Default decree of condemnation and destruction.

20566. Misbranding of canned peaches. U. S. v. 455 Cases * * *. (F. D. C. No. 35468. Sample No. 70531-L.)

LIBEL FILED: August 27, 1953, Middle District of Tennessee.

ALLEGED SHIPMENT: On or about July 8, 1953, by the Pomona Products Co., from Griffin, Ga.

PRODUCT: 455 cases, each containing 24 cans, of peaches at Nashville, Tenn.

LABEL, IN PART: (Can) "Sunshine Brand Halves Yellow Free Peaches In Heavy Syrup Contents 1 Lb. 13 Oz."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the label of the article failed to bear, as required by the definition and standard of identity for canned peaches, the name of the optional packing medium present in the article since its label bore the statement "In Heavy Syrup," whereas the article was packed in sirup designated as "Light Sirup" in the definition and standard.

DISPOSITION: September 21, 1953. The Pomona Products Co., 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 Department of Health, Education, and Welfare.

DRIED FRUIT

20567. Adulteration of dried pears and mixed dried fruits. U. S. v. Rosenberg Bros. & Co., Inc. Plea of nolo contendere. Fine, \$6,000. (F. D. C. No. 35100. Sample Nos. 5093-L, 7534-L, 27278-L, 27281-L, 27282-L, 33340-L.)

INFORMATION FILED: August 5, 1953, Northern District of California, against Rosenberg Bros. & Co., Inc., San Francisco, Calif.

ALLEGED SHIPMENT: Between February 7 and April 9, 1952, from the State of California into the States of New York, Massachusetts, Wisconsin, and Maryland, and the Territory of Hawaii.

LABEL, IN PART: "Ensign Brand California Dried Extra Fancy Lake County Pears," "Sugaripe Brand California Dried Fruits Large Pears," "I G A Brand California Dried Fruits Fancy Mixed Fruits Contains Prunes, Peaches, Pears and Apricots * * * Packed For Independent Grocers Alliance Distributing Co. Chicago, Ill.," "Iris Brand California Dried Choice Halved Pears," "Sugaripe Fancy Mixed Fruit California Dried Fruit * * * Contains Prunes, Peaches, Apricots and Pears," and "Sugaripe Brand California Dried Fruits Medium Pears."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in part of filthy substances by reason of the presence of rodent excreta, rodent hairs, rodent hair fragments, insects, insect fragments, and insect excreta; and, Section 402 (a) (4), the articles had been prepared, packed, and held under insanitary conditions whereby they may have become contaminated with filth.