LIBELED: 10–22–57, S. Dist. Ga.

CHARGE: 403(h)(1)—when shipped, the quality of the article fell below the standard of quality for canned peaches because of hardness of the peach halves, and the label of the article failed to bear, in the manner and form specified by regulations, a statement that the article fell below such standard.

DISPOSITION: 12–5–57. Consent—claimed by Walter P. Rawl & Sons, and relabeled.

24715. Canned sour cherries, canned crushed pineapple, canned peas, and canned, condensed tomato soup. (F.D.C. No. 41499. S. Nos. 35–544/6 P, 35–549 P.)

QUANTITY: 234 cases, 24 15-oz. cans each, of sour cherries, 130 cases, 48 8¾-oz. cans each, of crushed pineapple, 36 cases, 24 1-lb. cans each, of peas, and 29 cases, 48 10½-oz. cans each, of tomato soup at Philadelphia, Pa.

SHIPPED: 2–21–58 (sour cherries), from Rochester, N.Y.; between 9–15–55 and 1–13–56 (crushed pineapple), from Swedesboro, N. J.; 1–22–58 (peas), from Baltimore, Md.; and on an unknown date (tomato soup), from Cambridge, Md.

RESULTS OF INVESTIGATION: Examination showed that the articles were undergoing chemical decomposition.

LIBELED: 4–7–58, E. Dist. Pa.

CHARGE: 402(a)(3)—the articles contained a decomposed substance while held for sale.

DISPOSITION: 5–7–58. Default—destruction.

24716. Canned pears. (F.D.C. No. 41341. S. No. 84–273 M.)

QUANTITY: 248 cases, 24 cans each, at Billings, Mont.

SHIPPED: 9–24–57, from Yakima, Wash., by Yakima Packing Co.

LABEL IN PART: (Can) "Western Bronko Bartlett Pears Mixed Pieces Of Irregular Sizes and Shapes Net Contents One Lb. 13 Oz."

RESULTS OF INVESTIGATION: Examination showed that the article consisted of mixed pieces of pears of irregular sizes and shapes in heavy syrup.

LIBELED: 1–8–58, Dist. Mont.; amended libel, 3–4–58.

CHARGE: 403(a)—the vignette on the label of the article, when shipped, showing pear halves, was misleading as applied to an article consisting of pieces of pears of irregular sizes and shapes, and the label declaration "In Light Syrup" was misleading as applied to an article packed in heavy syrup.

DISPOSITION: 3–17–58. Consent—claimed by Ryan Wholesale Grocers, Billings, Mont., and relabeled.

DRIED FRUIT

24717. Dried pears. (F.D.C. No. 41657. S. No. 28–045 P.)

QUANTITY: 21 cases, 24 12-oz. pkgs. each, at San Antonio, Tex.

SHIPPED: 2–25–58, from Stockton, Calif., by Richmond Chase & Co.

LABEL IN PART: (Pkg.) "Heart's Delight Fancy Pears."

LIBELED: On or about 4–10–58, W. Dist. Tex.

CHARGE: 402(a)(3)—contained rodent hairs; and 402(a)(4)—prepared (dried) under insanitary conditions.

DISPOSITION: 5–12–58. Default—consumption by animals.