

28655. Canned sliced peaches. (F.D.C. No. 47924. S. No. 13-500 T.)
QUANTITY: 896 cases, each containing 24 1-lb. 14-oz. cans, at Chicago, Ill.
SHIPPED: 5-18-62 and 5-31-62, from San Jose, Calif., by Sun Garden Packing Co.

LABEL IN PART: (Can) "Raggedy Ann Elberta Shortcake Slices Peaches Yellow Freestone Extra Heavy Syrup * * * Raggedy Ann Corporation Distributors Chicago."

LIBELED: 7-30-62, N. Dist. Ill.

CHARGE: 403(h)(2)—when shipped, the article fell below the standard of fill of container for canned peaches since there was not present in the container the maximum quantity of the optional peach ingredients which could be sealed in the container and processed by heat so as to prevent spoilage, without crushing or breaking such ingredients, and its label failed to bear a statement that it fell below the standard.

DISPOSITION: 9-20-62. Consent—claimed by Sun Garden Packing Co. and relabeled.

MISCELLANEOUS FRUIT PRODUCTS

28656. Apple juice. (F.D.C. No. 42967. S. No. 42-674 P.)

QUANTITY: 153 cases, each containing 12 cans, at Billings, Mont.

SHIPPED: 2-7-59, from Selah, Wash., by Charbonneau Packing Corp.

LABEL IN PART: (Can) "Charbonneau Tree Top Brand Apple Juice, Charbonneau Packing Corporation, Yakima and Wenatchee, Washington."

LIBELED: 4-7-59, Dist. Mont.

CHARGE: 402(a)(3)—consisted in whole or in part of a filthy and decomposed substance by reason of the use in its manufacture of wormy and rotten apples.

DISPOSITION: On 5-1-59, a default decree was entered condemning the article and ordering its destruction. On 5-6-59, the packer moved to set aside the default decree, and to consolidate the action for trial with a case then pending in the District of Idaho. The default decree was stayed on 5-6-59, and set aside on 7-16-59. On 8-6-59, the Government and claimant stipulated and it was so ordered by the court that the claimant would withdraw its appearance and its motion to consolidate the cases. The article was destroyed.

28657. Cherry juice product. (F.D.C. No. 48324. S. No. 47-030 V.)

QUANTITY: 167 cases, 12 1-qt. btls. each, at Van Buren, Ark., in possession of Ruby's Jams & Jellies.

SHIPPED: The cherry juice component was shipped in bulk on 7-28-62, from Sodus, Mich.

LABEL IN PART: (Btl.) "Ruby's Cherry Cider made from Red Ripe Cherries, by Ruby Bryant, Van Buren, Ark."

RESULTS OF INVESTIGATION: The article was manufactured by the dealer from cherry juice to which sugar and water were added.

LIBELED: 10-12-62, W. Dist. Ark.

CHARGE: 403(a)—while held for sale, the name "cherry cider" was false and misleading as applied to a product consisting of cherry juice, water, and sugar; and 403(i)(2)—the label failed to declare the ingredients, cherry juice, water, and sugar.