

**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.

DISPOSITION: 11-26-62. Consent—claimed by Ruby's Jams & Jellies, and re-labeled.

28658. Glaced fruit and fruit peel. (F.D.C. No. 48272. S. Nos. 9-661/3 V, 9-665 V, 9-671/3 V.)

QUANTITY: 1,500 lbs. of citron, 1,500 lbs. of mixed fruit, 8,400 lbs. of orange peel, 700 lbs. of grapefruit peel, and 2,500 lbs. of citron melon, at North East, Pa., in possession of Ohio Fruit Products Co., Inc.

SHIPPED: Between 9-9-61 and 10-5-62, from Lakeland, Winter Haven, and unknown places in Florida, and from Sunnyvale, Calif.

LBELED: 11-5-62, W. Dist. Pa.

CHARGE: 402(a) (3)—contained insects and insect fragments; and 402(a) (4)—held under insanitary conditions.

DISPOSITION: 11-27-62. Default—destruction.

28659. Strawberry topping. (F.D.C. No. 48093. S. No. 77-371 T.)

QUANTITY: 10 cases, 6 ½-gal. jars each, at Asheville, N.C., in possession of Crown Jewel Corp.

SHIPPED: Strawberry ingredient of the article shipped 4-25-62, from San Antonio, Tex., and color ingredient shipped between 1-22-59 and 5-25-60, from New York, N.Y.

LABEL IN PART: (Jar) "Crown Jewel Strawberry Topping Strawberries, Sugar, Corn Syrup, ½ of 1% Sodium Benzoate, Certified Color, Citric Acid. Manufactured by The Crown Jewel Corporation, Asheville, N.C."

RESULTS OF INVESTIGATION: The article was prepared and packed by the dealer from various ingredients shipped as above. Examination showed that the article contained External D&C Red No. 15, a color which as FD&C Red No. 1 had been delisted from Section 8.501(a) of the provisional list of color additives, Color Additives Amendment of 1960, and certificate for which had been canceled.

LBELED: 9-7-62, W. Dist. N.C.

CHARGE: 402(c)—while held for sale, the article contained a color additive, namely, External D&C Red No. 15 (formerly FD&C Red No. 1), which was unsafe within the meaning of Section 706(a) since its use or intended use in food was not in conformity with a regulation or exemption in effect pursuant to 706; and 403(a)—the label statement "Certified Color" was false and misleading for an article containing a color additive, namely, External D&C Red No. 15, for which certification was not effective for use in food.

DISPOSITION: 11-2-62. Default—destruction.

#### VEGETABLES AND VEGETABLE PRODUCTS

28660. Cabbage. (F.D.C. No. 48335. S. No. 33-008 V.)

QUANTITY: 419 50-lb. bags, at Fort Smith, Ark.

SHIPPED: 10-16-62, from Hayward, Minn., by Noland Bros.

LABEL IN PART: (Bag) "New Cabbage Produce of U.S.A."

LBELED: 10-23-62, W. Dist. Ark.

CHARGE: 402(a) (2) (B)—when shipped, the article was a raw agricultural commodity and contained a pesticide chemical, namely, endrin, which was