

failed to bear, as the regulations require, the name of the optional packing medium.

DISPOSITION: February 28, 1945. The claimant having filed an answer and the court having found from consideration of the answer that a portion of the product was misbranded, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

8038. Misbranding of canned whole apricots. U. S. v. 99 Cases of Canned Whole Apricots. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 13295. Sample No. 73404-F.)

LIBEL FILED: August 29, 1944, Western District of Washington.

ALLEGED SHIPMENT: On or about July 28, 1944, by the A. M. Beebe Co., from Oakland, Calif.

PRODUCT: 99 cases of 24 cans each of whole apricots at Seattle, Wash. Examination showed that the article was packed in sirup designated as "light sirup" in the standard of identity for canned apricots.

LABEL, IN PART: "Flotill Unpeeled Whole Apricots in Heavy Syrup. Packed By Flotill Products, Inc. Stockton, Calif."

VIOLATION CHARGED: Misbranding, Section 403 (a), the label statement "in Heavy Syrup" was false and misleading as applied to the article, which was packed in light sirup.

DISPOSITION: March 2, 1945. Flotill Products, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration

8039. Misbranding of canned apricots. U. S. v. 98 Cases of Canned Apricots. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14150. Sample Nos. 73469-F, 73470-F.)

LIBEL FILED: October 27, 1944, Western District of Wisconsin.

ALLEGED SHIPMENT: On or about September 9, 1944, by the Drew Canning Co., from Oakland, Calif.

PRODUCT: 44 cases, each containing 24 cans, of apricots (halves) and 54 cases, each containing 24 cans, of apricots (whole), at Wausau, Wis.

LABEL, IN PART: "Drew Unpeeled Halves Apricots In Heavy Syrup," and "Drew Whole Unpeeled Apricots In Heavy Syrup."

VIOLATION CHARGED: Misbranding, Section 403 (g) (2), the product purported to be and was represented as canned apricots, a food for which a definition and standard of identity has been prescribed by regulations, and its label failed to bear, as required by the regulations, the name of the optional packing medium present in the product, since it was labeled as being packed "In Heavy Syrup," whereas it was packed in sirup designated as "light sirup" in the standard.

DISPOSITION: December 23, 1944. The Kickbusch Grocery Co., Wausau, Wis., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

8040. Adulteration of frozen cherries. U. S. v. Samuel Alston Moffett (S. A. Moffett Co.). Plea of guilty. Fine, \$600 and costs. (F. D. C. No. 11369. Sample Nos. 11950-F, 11953-F.)

INFORMATION FILED: May 12, 1944, Western District of Washington, against Samuel Alston Moffett, trading as the S. A. Moffett Co., Seattle, Wash.

ALLEGED SHIPMENT: On or about July 28 and 30, 1943, from the State of Washington into the State of California.

LABEL, IN PART: "4+1 R. S. P. Cherries."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), (one lot) the product consisted in whole or in part of a filthy substance by reason of the presence of maggots; and, Section 402 (b) (2), (all lots) partially pitted cherries had been substituted in whole or in part for pitted cherries, which the article was represented to be.

DISPOSITION: December 16, 1944. A plea of guilty having been entered, the defendant was fined \$300 on each count, plus costs.