

**LABEL, IN PART:** "Blue Winner Whole Unpeeled Apricots."

**VIOLATIONS CHARGED:** Misbranding, Section 403 (h) (1), the product purported to be and was represented as canned apricots, a food for which a standard of quality has been prescribed by the regulations, but its quality fell below the standard since the weight of the largest unit in the container was more than twice the weight of the smallest unit therein; and, Section 403 (h) (2), it also fell below the standard for fill of container prescribed by the regulations, since there was not present in the container the maximum quantity of the apricot ingredient which could be sealed in the container and processed by heat to prevent spoilage, without crushing the ingredient, and it failed to bear a label stating that it fell below such standard.

**DISPOSITION:** June 12, 1945. The Lagomarcino Grupe Co., Davenport, Iowa, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released for relabeling, under the supervision of the Food and Drug Administration.

**8406. Misbranding of canned apricots. U. S. v. 68 Cases of Canned Apricots. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 14835. Sample No. 74775-F.)**

**LABEL FILED:** January 5, 1945, District of Oregon.

**ALLEGED SHIPMENT:** On or about August 21, 1944, by the Bercut-Richards Packing Co., from Sacramento, Calif.

**PRODUCT:** 68 cases, each containing 6 cans, of apricots at Portland, Oreg.

**LABEL, IN PART:** "Dundee Brand Sweetened Pie Apricots."

**VIOLATIONS CHARGED:** Misbranding, Section 403 (g) (2), the article failed to conform to the definition and standard of identity which has been prescribed by the regulations for canned apricots, since its label failed to bear the name of the optional apricot ingredient present, peeled halves; and, Section 403 (h) (1), it failed to conform to the standard of quality prescribed by the regulations for canned apricots since the apricots were in containers holding 20 or more apricot units, and more than 5 percent of the units in the container were crushed and broken.

**DISPOSITION:** February 7, 1945. Hudson-Duncan and Co., Portland, Oreg., claimant, having consented to the entry of a decree, 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.

**8407. Adulteration of olives. U. S. v. 128 Cases of Olives. Default decree of condemnation and destruction. (F. D. C. No. 15089. Sample No. 303-H.)**

**LABEL FILED:** January 31, 1945, Southern District of Florida.

**ALLEGED SHIPMENT:** On or about December 30, 1944, by Quartermaster S. O., Atlanta A. S. F. Depot, from Atlanta, Ga.

**PRODUCT:** 1 case containing 4 1-gallon jars; 75 cases, each containing 12 10-ounce jars; and 52 cases, each containing 12 21-ounce jars, of olives at Jacksonville, Fla. Examination showed that the product was undergoing fermentation.

**LABEL, IN PART:** "Yacht Club Spanish Queen Olives," or "Monarch Spanish Queen Olives."

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

**DISPOSITION:** April 9, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**8408. Misbranding of canned, diced peaches and pears. U. S. v. 248 Cases of Diced Peaches and Pears. Consent decree ordering that the product be released under bond. (F. D. C. No. 14946. Sample No. 85945-F.)**

**LABEL FILED:** January 2, 1945, District of Colorado.

**ALLEGED SHIPMENT:** On or about November 9, 1944, by Flotill Products, Inc., from Modesto, Calif.

**PRODUCT:** 248 cases, each containing 24 cans, of peaches and pears at Denver, Colo. This product consisted of chopped (irregularly cut and disintegrated) peaches and pears.

**LABEL, IN PART:** "Flotill Diced Peaches and Pears in Heavy Syrup."

**VIOLATION CHARGED:** Misbranding, Section 403 (a), the label statement, "Diced," and the vignette depicting diced peaches and pears were false and misleading as applied to an article containing chopped peaches and pears.