

FRUITS AND VEGETABLES*

CANNED FRUIT

8738. Misbranding of canned apricots. U. S. v. 63 Cases of Canned Apricots. Consent decree ordering the release of the product under bond. (F. D. C. No. 15172. Sample Nos. 73471-F, 73484-F.)

LIBEL FILED: January 31, 1945, Western District of Washington.

ALLEGED SHIPMENT: On or about September 14, 1944, by the Modern Marketing Service, Inc., from Oakland, Calif.

PRODUCT: 63 cases, each containing 24 cans, of apricots at Tacoma, Wash.

LABEL, IN PART: "Hunt's Supreme Quality Fancy Peeled Whole Apricots In Heavy Syrup Contents 1 Lb. 14 Oz."

NATURE OF CHARGE: 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 law, and its label failed to bear, as required by regulations, the name of the optional packing medium present, since the label bore the statement "In Heavy Syrup," whereas the product was packed in sirup designated as "Light Syrup" in the standard.

DISPOSITION: March 19, 1945. The Hunt Brothers Packing Co., claimant, having admitted the allegations of the libel, judgment was entered ordering that the product be released under bond for relabeling under the supervision of the Food and Drug Administration.

8739. Misbranding of canned cherries. U. S. v. 50 Cases of Canned Cherries. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 15440. Sample No. 98436-F.)

LIBEL FILED: February 24, 1945, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about November 18, 1944, by the Northport Cherry Factory, Inc., from Northport, Mich.

PRODUCT: 50 cases, each containing 24 1-pound, 5-ounce cans, of cherries at St. Louis, Mo. Examination showed that the article was red, sour, pitted cherries in extra heavy sirup. The label bore a picture that resembled whole, dark red, sweet cherries suitable for table use.

LABEL, IN PART: (Vignette of dark red, whole cherries) "American Lady Red Pitted Cherries Contents 1 Lb. 5 Oz. in Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (a), the picture of cherries on the label was misleading since it created the impression that the product consisted of whole, dark, sweet, unpitted cherries suitable for table use. This misleading impression was not corrected by the label statement "Red Pitted," since it was relatively inconspicuous as compared to the picture, and it failed to reveal that the article consisted of tart or sour cherries not suitable for table use; and, Section 403 (g) (2), the label failed to bear, as required by the definition and standard of identity for canned cherries, the name of the optional cherry ingredient present in the article, i. e., "red sour" or "red tart," and the name of the optional packing medium present, "extra heavy sirup."

DISPOSITION: March 23, 1945. The General Grocer Co., St. Louis, Mo., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

8740. Misbranding of canned cherries. U. S. v. 28 Cases of Canned Cherries. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 15216. Sample No. 9205-H.)

LIBEL FILED: February 7, 1945, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about August 10, 1944, by the Miles-Bradford Co., from Fredonia, N. Y.

PRODUCT: 28 cases, each containing 6 6-pound, 7-ounce cans, of cherries at Warren, Pa. Examination showed that the article was substandard in quality because of excessive pits, an average of 7.5 pits having been found in each 20 ounces of canned cherries.

*See also Nos. 8653-8657, 8798.