

PRODUCT: Apple butter. 13 cases at New Haven, Conn., and 28 cases at Gunterville, Ala. Each case contained 6 7-pound, 8-ounce cans, of the product.

LABEL, IN PART: "Adams Maid Brand Apple Butter."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for apple butter since its soluble solids content was less than 43 percent, the minimum prescribed by the standard.

DISPOSITION: December 13 and 17, 1946. No claimant having appeared, judgments of condemnation were entered and the product was ordered delivered to charitable institutions.

10421. Adulteration of apricot pulp and misbranding of canned apricots. U. S. v. 263 and 248 Cases * * *. (F. D. C. Nos. 22169, 22331. Sample Nos. 51498-H, 64757-H.)

LIBELS FILED: December 28, 1946, and January 13, 1947, District of Minnesota and Southern District of New York.

ALLEGED SHIPMENT: The apricot pulp was shipped on or about September 17, 1946, and the canned apricots were shipped on or about October 11, 1946, by Colo-Flavor Products, Inc., from Palisade, Colo.

PRODUCT: 263 cases, each containing 6 6-pound, 8-ounce cans, of apricot pulp at New York, N. Y., and 248 cases, each containing 6 6-pound, 8-ounce cans of apricots at Minneapolis, Minn. Examination showed that the apricot pulp was undergoing progressive decomposition, and that the canned apricots were blemished with scab and hail injury.

LABEL, IN PART: "La Salle Apricot Pulp * * * Distributed By John Sexton & Co. Chicago, Ill.," or "Colo-Mesa Tree Ripened Whole Unpitted Apricots Packed in Light Syrup."

NATURE OF CHARGE: Apricot pulp, adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

Canned apricots, misbranding, Section 403 (h) (1), the article fell below the prescribed standard of quality for canned apricots since more than 20 percent of the units in each container were blemished.

DISPOSITION: January 27 and February 5, 1947. The Aslesen Co., Minneapolis, Minn., having appeared as claimant for the lot of canned apricots and having consented to the entry of a decree, and no claimant having appeared for the lot of apricot pulp, judgments of condemnation were entered. It was ordered that the lot of canned apricots be released under bond for relabeling under the supervision of the Federal Security Agency. The lot of apricot pulp was ordered destroyed.

10422. Misbranding of canned apricots. U. S. v. 1,067 Cases * * *. (F. D. C. No. 21229. Sample No. 46248-H.)

LIBEL FILED: October 8, 1946, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about August 21, 1946, by Parrott and Co., San Francisco, Calif., from Stockton, Calif.

PRODUCT: 1,067 cases, each containing 24 1-pound, 14-ounce cans, of apricots at Philadelphia, Pa.

LABEL, IN PART: "Fruit Basket Whole Unpeeled Apricots In Heavy Syrup * * * Packed by Thornton Canning Co., Thornton, Calif."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the article failed to conform to the definition and standard of identity for canned apricots since its label failed to bear, as required by the regulations, the name of the optional packing medium present. The label bore the statement "In Heavy Syrup," and the article was packed in sirup designated in the standard as "Light Sirup."

DISPOSITION: December 19, 1946. A. E. Turner and Co., Philadelphia, Pa., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be relabeled under the supervision of the Food and Drug Administration.

10423. Misbranding of canned apricots. U. S. v. 195 Cases * * *. (F. D. C. No. 21176. Sample No. 45634-H.)

LIBEL FILED: October 9, 1946, Western District of New York.

ALLEGED SHIPMENT: On or about September 10, 1946, by the Fairview Packing Co., from Oakland, Calif.

PRODUCT: 195 cases, each containing 24 1-pound, 14-ounce cans, of apricots at Rochester, N. Y.

LABEL, IN PART: "Veteran Whole Unpeeled Apricots In Heavy Syrup Distributed by Brewster Gordon Co., Inc., Rochester, N. Y."

NATURE OF CHARGE: Misbranding, Section 403 (h) (2), the article fell below the standard of fill of container prescribed for canned apricots since there was not present in the container the maximum quantity of the optional apricot ingredient which could be sealed in the container and processed by heat to prevent spoilage without crushing or breaking the apricot ingredient; and its label failed to bear, as required by the regulations, a statement that it fell below the standard.

DISPOSITION: December 30, 1946. Veteran Foods, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be relabeled in compliance with the law, under the supervision of the Food and Drug Administration.

10424. Adulteration of canned blackberries. U. S. v. 196 Cases * * *. (F. D. C. No. 21753. Sample No. 48663-H.)

LIBEL FILED: November 22, 1946, District of Colorado.

ALLEGED SHIPMENT: On or about September 2, 1946, by the Valley Packing Co., from Atkins, Ark.

PRODUCT: 196 cases, each containing 24 1-pound, 3-ounce cans, of blackberries at Denver, Colo.

LABEL, IN PART: "Hargis Brand * * * Blackberries Distributed by Hargis Canneries, Inc., Fayetteville, Ark."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of moldy and rotten blackberries.

DISPOSITION: December 19, 1946. The shipper having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

10425. Misbranding of canned blackberries. U. S. v. 1,053 Cases * * *. (F. D. C. No. 21381. Sample No. 48658-H.)

LIBEL FILED: November 6, 1946, District of Colorado.

ALLEGED SHIPMENT: On or about August 9, 1946, by Wright and Co., from Monroe, La.

PRODUCT: 1,053 cases, each containing 24 1-pound, 3-ounce cans, of blackberries at Denver, Colo. Examination showed that the product was packed in water.

LABEL, IN PART: "Grapeland Blackberries * * * Packed By Mallory Canning Company Grapeland Texas."

NATURE OF CHARGE: Misbranding, Section 403 (i) (2), the article was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient, since water was not declared.

DISPOSITION: December 12, 1946. Wright & Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be relabeled under the supervision of the Federal Security Agency.

10426. Adulteration of dried peaches. U. S. v. 100 Boxes * * *. (F. D. C. No. 21600. Sample No. 1495-H.)

LIBEL FILED: On or about November 6, 1946, Northern District of Georgia.

ALLEGED SHIPMENT: On or about October 3, 1945, by Guggenlime & Co., from San Francisco, Calif.

PRODUCT: 100 25-pound boxes of dried peaches at Atlanta, Ga.

LABEL, IN PART: "Daphne Brand California Choice Dried Recleaned Muir Peaches."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects.