

## FRUITS AND VEGETABLES

## CANNED FRUIT

**12330. Adulteration of canned apricots and canned plums. U. S. v. 424 Cases, etc.** (F. D. C. No. 22954. Sample Nos. 15607-H, 15608-H.)

**LABEL FILED:** May 8, 1947, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about July 29, 1946, by Norish Finer Foods, from Grand Junction, Colo.

**PRODUCT:** 224 cases, each containing 24 No. 2½ cans, of apricots, and 70 cases, each containing 24 No. 2½ cans, of plums. The cans were unlabeled. No written agreement existed between the shipper and the consignee as to the labeling of the products.

**LABEL, IN PART:** (Cases) "Unpeeled Whole Apricots Heavy Syrup," and "Red Plums in Extra Heavy Syrup."

**NATURE OF CHARGE:** Misbranding, Section 403 (g) (2), (apricots) the article purported to be and was represented as canned apricots and its label failed to bear, as the regulations require, the name of the optional apricot ingredient, unpeeled whole apricots, and the name of the optional packing medium present, light sirup; Section 403 (a), (plums) the statement on the case, "Red Plums in Extra Heavy Syrup," was false and misleading since the product was not packed in extra heavy sirup and since some of the cans contained yellow plums; Section 403 (i) (1), (plums) the cans failed to bear the common or usual name of the food; and, Section 403 (e), (apricots and plums) the cans failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents.

**DISPOSITION:** June 5, 1947. Royal Blue Stores, Inc., Chicago, Ill., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the products were ordered released under bond, to be labeled under the supervision of the Food and Drug Administration.

**12331. Misbranding of canned apricots. U. S. v. 438 Cases \* \* \*. (F. D. C. No. 23446. Sample No. 75295-H.)**

**LABEL FILED:** September 9, 1947, Western District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about July 23, 1947, by Bercut-Richards Packing Co., from Sacramento, Calif.

**PRODUCT:** 438 cases, each containing 24 1-pound, 14-ounce cans, of apricots at Pittsburgh, Pa.

**LABEL, IN PART:** "Grade A Halves Unpeeled Apricots in Heavy Syrup."

**NATURE OF CHARGE:** Misbranding, Section 403 (g) (2), the label failed to bear, as the regulations prescribing a definition and standard of identity for canned apricots require, the name of the optional packing medium present in the article, since the label bore the statement "in Heavy Syrup" and the article was packed in light sirup.

**DISPOSITION:** October 31, 1947. Bercut-Richards Packing Company, 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.

**12332. Misbranding of maraschino cherries. U. S. v. 298 Cases, etc. (F. D. C. No. 23486. Sample Nos. 74364-H, 74365-H.)**

**LABEL FILED:** July 9, 1947, District of Massachusetts.

**ALLEGED SHIPMENT:** On or about May 9 and 17, 1947, by the deRedon Food Products Corporation, from New London, Conn.

**PRODUCT:** 544 cases, each containing 24 8-ounce jars, of maraschino cherries at Somerville, Mass. Examination showed that the product was short-weight.

**LABEL, IN PART:** "Gold-Bo Maraschino Cherries 8 Oz. Avoir \* \* \*," or "DeReDo Brand Maraschino Cherries \* \* \* Net Contents 8 Oz."

**NATURE OF CHARGE:** Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of contents.

**DISPOSITION:** July 29, 1947. The deRedon Food Products Corporation having consented to the entry of a decree, judgment of condemnation was entered and