

FRUITS AND VEGETABLES

CANNED AND DRIED FRUIT

13443. Adulteration of canned apples. U. S. v. 489 Cases * * *. (F. D. C. No. 25190. Sample No. 29227-K.)

LIBEL FILED: July 21, 1948, District of Colorado.

ALLEGED SHIPMENT: On or about April 22, 1947, from Wapato, Wash.

PRODUCT: 489 cases, each containing 6 6-pound cans, of apples at Denver, Colo. Examination showed that the product was undergoing chemical decomposition.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: August 26, 1948. Default decree of condemnation and destruction.

13444. Misbranding of canned peaches. U. S. v. 49 Cases * * *. (F. D. C. No. 25046. Sample No. 33813-K.)

LIBEL FILED: July 14, 1948, District of Colorado.

ALLEGED SHIPMENT: On or about June 25, 1948, by the Griffith Durney Co., from Oakland, Calif.

PRODUCT: 49 cases, each containing 48 15-ounce cans, of peaches at Denver, Colo.

LABEL, IN PART: "Red & White Brand Halves Yellow Cling Peaches In Heavy Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the article purported to be and was represented as canned peaches, and its label failed to bear as required by the regulations the name of the optional packing medium present in the article. The label bore the statement "In Heavy Syrup," whereas the article was packed in sirup designated as "light sirup" in the regulations.

DISPOSITION: August 26, 1948. Default decree of condemnation. The product was ordered delivered to charitable institutions.

13445. Misbranding of canned pears. U. S. v. 385 Cases * * *. (F. D. C. No. 24364. Sample No. 18034-K.)

LIBEL FILED: March 5, 1948, Southern District of Indiana.

ALLEGED SHIPMENT: On or about October 16, 1947, by Wenatchee Foods, Inc., from Wenatchee, Wash.

PRODUCT: 385 cases, each containing 6 6-pound, 9-ounce cans, of pears at Indianapolis, Ind.

LABEL, IN PART: "J P M Brand Northwest Bartlett Pears Halves."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article fell below the standard of quality for canned pears since it failed to meet the test for tenderness; all units were not untrimmed or so trimmed as to preserve normal shape, and more than 10 percent of the units were broken; and the label failed to bear a statement that the article fell below such standard.

DISPOSITION: April 9, 1948. J. P. Michael Co., Indianapolis, Ind., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Federal Security Agency.

13446. Adulteration of dried apricots. U. S. v. 504 Cases * * *. (F. D. C. No. 24621. Sample Nos. 43405-K, 43406-K, 43411-K, 43412-K.)

LIBEL FILED: May 6, 1948, Northern District of Illinois.

ALLEGED SHIPMENT: On or about January 14, 1948, by the California Prune & Apricot Growers Assn., from San Jose, Calif.

PRODUCT: 504 25-pound cases of dried apricots at Chicago, Ill.

LABEL, IN PART: "King Mountain Brand California Apricots."

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

DISPOSITION: June 29, 1948. Default decree of condemnation. The product was ordered delivered to a public institution, for use as animal feed.