

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "In Light Syrup" was false and misleading since the statement represented and suggested that the article was packed in a sirup designated as light sirup in the regulations establishing a definition and standard of identity for canned cherries, whereas the article was packed in a sirup designated as "Slightly Sweetened Water" in such standard and definition; Section 403 (g) (2), the article failed to conform to the definition and standard of identity for canned cherries since it failed to bear the name of the optional packing medium present in the article; and, Section 403 (h) (1), it fell below the standard of quality for canned unpitted cherries, and its label failed to bear a statement that it fell below such standard. (The standard of quality provides that the weight of each cherry in the container is not less than 1/10 ounce, whereas a large proportion of the cherries in this product weighed less than 1/10 ounce.)

DISPOSITION: August 23, 1948. Pleas of guilty having been entered, the court imposed a fine of \$100 against the corporation and \$50 against each individual.

14026. Adulteration of canned cherries. U. S. v. 237 Cases, etc. (F. D. C. Nos. 25647, 25648. Sample No. 25340-K.)

LIBEL FILED: September 16, 1948, Southern District of Iowa.

ALLEGED SHIPMENT: On or about October 18, 1946, from San Francisco, Calif.

PRODUCT: 269 cases, each containing 24 1-pound, 4-ounce cans, of cherries at Clinton, Iowa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. (Examination showed that the product was undergoing chemical decomposition.) It was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: February 12, 1949. Default decree of condemnation and destruction.

14027. Adulteration of canned cherries. U. S. v. 23 Cases * * *. (F. D. C. No. 25673. Sample No. 31458-K.)

LIBEL FILED: September 27, 1948, District of Nevada.

ALLEGED SHIPMENT: On or about October 24, 1946, from Clearfield, Utah.

PRODUCT: 23 cases, each containing 24 1-pound, 14-ounce cans, of unpitted cherries at Las Vegas, Nev.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of its chemical decomposition. It was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: October 29, 1948. Default decree of condemnation and destruction.

14028. Adulteration of canned peaches. U. S. v. 300 Cases * * *. (F. D. C. No. 25360. Sample No. 40218-K.)

LIBEL FILED: August 12, 1948, District of Maryland.

ALLEGED SHIPMENT: On or about March 20, 1948, by the Buckingham Farmers Co-op., Inc., from Dillwyn, Va.

PRODUCT: 300 cases, each containing 24 cans, of peaches at Baltimore and Salisbury, Md.

LABEL, IN PART: "Buckingham Brand Peaches Contents 1 Lb. 13 Ozs. [or 1 Lb. 14 Ozs.]"

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article was unfit for food by reason of its abnormal odor, taste, and color, rendering it unpalatable.

DISPOSITION: November 16, 1948. Default decree of condemnation. The product was ordered delivered to a charitable institution. The institution was informed that a portion of the product was fit for food, and the institution offered assurances that all cans would be examined before use and that all material unfit for food would be discarded.

14029. Adulteration of canned peaches. U. S. v. 42 Cases * * *. (F. D. C. No. 25557. Sample No. 40218-K.)

LIBEL FILED: September 13, 1948, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about August 5, 1948, by the Capital Wholesale Grocery Co., from Baltimore, Md.

PRODUCT: 42 cases, each containing 24 cans, of peaches at Parksley, Va.

LABEL, IN PART: "Buckingham Brand Peaches Contents 1 Lb. 13 Ozs. [or "1 Lb. 14 Ozs.,"] Packed by Buckingham Farmers Co-Op., Inc., Dillwyn, Va."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article was unfit for food by reason of its abnormal odor, taste, and color, rendering it unpalatable.

DISPOSITION: November 18, 1948. Default decree of condemnation and destruction.

14030. Adulteration and misbranding of canned peaches. U. S. v. 399 Cases * * * (and 3 other seizure actions). (F. D. C. Nos. 23525, 23841, 24178, 24370. Sample Nos. 54170-H, 55536-H, 55537-H, 425-K, 438-K, 439-K.)

LIBELS FILED: July 31, October 2, and December 10, 1947, and March 5 1948, Middle and Western Districts of North Carolina and Southern District of Indiana.

ALLEGED SHIPMENT: Between the approximate dates of August 10 and 21, 1946, by the Jones Brothers Canning Co., Greer, S. C.

PRODUCT: Canned peaches. 739 cases at Winston-Salem, N. C., 399 cases at Indianapolis, Ind., and 163 cases at Charlotte, N. C. Each case contained 24 1-pound, 13-ounce cans.

LABEL, IN PART: "Greer Brand" or "Cedar Rock Brand."

NATURE OF CHARGE: Adulteration (portion of Winston-Salem lot, 482 cases), Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of worms and worm excreta, larvae, and worm-damaged peaches.

Misbranding, Section 403 (h) (1), the product was substandard in quality because of failure to meet the test for tenderness established by the regulations, and its label failed to bear the substandard legend; and (portion of Indianapolis lot), Section 403 (g) (2), the label failed to bear the name of the optional packing medium present in the article since it bore the statement "In Light Syrup," whereas the article was packed in slightly sweetened water.

DISPOSITION: October 22 and November 15, 1947, and January 15 and April 16, 1948. Default decrees of condemnation. The products were ordered delivered to public and charitable institutions, conditioned that the adulterated portions be used for animal feed.

14031. Misbranding of canned peaches. U. S. v. 338 Cases * * *. (F. D. C. No. 25790. Sample No. 19187-K.)

LIBEL FILED: October 1, 1948, Southern District of Ohio.

ALLEGED SHIPMENT: On or about June 14, 1948, by J. W. Siegfried, Jr., and Co., from Appomattox, Va.