

PRODUCT: 94 cases, each containing 6 6-pound, 12-ounce cans, of apricots at New York, N. Y.

LABEL, IN PART: (Can) "Headline Fancy Whole Unpeeled Apricots."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Fancy" was false and misleading since the product was not of fancy quality; and, Section 403 (h) (2), the product fell below the standard of fill of container for canned apricots, and its label failed to bear the substandard legend. Examination showed that the product fell below fancy quality on account of color, ripeness, and defects.

DISPOSITION: July 26, 1949. Default decree of condemnation. The product was ordered delivered to a charitable institution, after withdrawal of additional samples by the Food and Drug Administration.

14841. Misbranding of canned pears. U. S. v. 35 Cases * * *. (F. D. C. No. 26646. Sample No. 41428-K.)

LABEL FILED: April 20, 1949, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about March 1, 1949, by the D & D Foods Co., from Wenatchee, Wash.

PRODUCT: 35 cases, each containing 6 6-pound, 10-ounce cans, of pears at Philadelphia, Pa.

LABEL, IN PART: (Can) "Star Dee Brand Bartlett Pears Halves in Light Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned pears since the weight of the largest unit in the container was more than twice the weight of the smallest unit; not all of the units were untrimmed, or so trimmed as to preserve normal shape; more than 10 percent of the units in the container were broken; and the label failed to bear the statement that the product fell below the standard.

DISPOSITION: June 28, 1949. The D & D Foods Co., claimant, having consented to the entry of a decree, 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.

14842. Misbranding of canned peaches. U. S. v. 598 Cases * * *. (F. D. C. No. 26666. Sample No. 46228-K.)

LABEL FILED: February 28, 1949, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about November 20, 1948, by Color Flavor Products, Inc., from Palisade, Colo.

PRODUCT: 598 cases of canned peaches at St. Louis, Mo.

LABEL, IN PART: "Welch's Halves Yellow Freestone Elberta Peaches In Extra Heavy Syrup Contents 1 Lb. 14 Oz. Packed By The Welch Grape Juice Company, Westfield, N. Y."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the article purported to be and was represented as canned peaches, a food for which a definition and standard of identity has been prescribed by regulations, and its label failed to bear, as the regulations require, the name of the optional packing medium present in the article. The label of the article bore the statement "In Extra Heavy Syrup" whereas it was packed in sirup designated as "Heavy Sirup" in such standard.