

the name of the optional packing medium present; and, Section 403 (h) (1), the product fell below the standard of quality for canned cherries since the weight of the largest cherry in the container was more than twice the weight of the smallest cherry, and its label failed to bear the substandard legend.

**DISPOSITION:** June 16, 1949. The Fruitcrest Corp., claimant, having consented to the entry of a decree, judgment of condemnation was entered, ordering the product released under bond to be relabeled under the supervision of the Food and Drug Administration. On September 30, 1949, an amended decree was entered with the consent of the parties, ordering that the product be delivered to a local hospital for its use and not for sale.

**15124. Misbranding of canned peaches. U. S. v. 200 Cases \* \* \*. (F. D. C. No. 27245. Sample No. 29270-K.)**

**LIBEL FILED:** May 19, 1949, District of Colorado.

**ALLEGED SHIPMENT:** On or about September 21, 1948, by Intermountain Food Co., Inc., from Provo, Utah.

**PRODUCT:** (319 cases of the product were seized under the libel.) 200 cases, each containing 24 1-pound, 13-ounce cans of peaches at Denver, Colo.

**LABEL, IN PART:** "Mellhorn Brand \* \* \* Elberta Yellow Freestone Halves Peaches in Heavy Syrup."

**NATURE OF CHARGE:** Misbranding, Section 403 (g) (2), the product 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 the name of the optional packing medium present in the food since the label bore the statement "In Heavy Syrup," whereas the product was packed in light sirup.

**DISPOSITION:** June 28, 1949. Intermountain Food Co., Inc., 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. Of the 319 cases seized, 103 $\frac{3}{4}$  cases were found to be of proper sirup strength, and 215 $\frac{1}{4}$  cases were relabeled.

**15125. Misbranding of canned peaches. U. S. v. 99 Cases \* \* \*. (F. D. C. No. 27126. Sample No. 50601-K.)**

**LIBEL FILED:** May 6, 1949, Southern District of Texas.

**ALLEGED SHIPMENT:** On or about April 29, 1949, by the Rogers Canning Co., from Athena, Oreg.

**PRODUCT:** 99 cases, each containing 24 1-pound, 14-ounce cans, of peaches at Houston, Tex.

**LABEL, IN PART:** "Premier Old Fashioned Peeled Yellow Free Halves Peaches In Extra Heavy Syrup."

**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 such regulations require, the name of the optional packing medium present in the article. The label bore the statement "In Extra Heavy Syrup," whereas the article was packed in sirup designated as "heavy sirup" in the regulations.

**DISPOSITION:** July 1, 1949. The Francis H. Leggett Co., Houston, Tex., claimant, having admitted that the product was misbranded as alleged in the libel,