

15375. Misbranding of canned peaches. U. S. v. 24 Cases * * *. (F. D. C. No. 27784. Sample No. 32635-K.)

LIBEL FILED: August 22, 1949, District of New Jersey.

ALLEGED SHIPMENT: On or about July 19, 1949, by the Richmond-Chase Co., from San Jose, Calif.

PRODUCT: 24 cases, each containing 48 1-pound cans, of peaches at Elizabeth, N. J.

LABEL, IN PART: (Cans) "Heart's Delight Sliced Yellow Cling 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, as required by the regulations, the name of the optional packing medium present since the label bore the statement "in Heavy Syrup," whereas the product was packed in "light sirup."

DISPOSITION: November 7, 1949. The Richmond-Chase Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond to be relabeled, under the supervision of the Food and Drug Administration.

5376. Misbranding of canned peaches. U. S. v. 49 Cases * * *. (F. D. C. No. 27811. Sample No. 50200-K.)

LIBEL FILED: September 14, 1949, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about August 2, 1949, by J. C. Fracy & Co., from Dallas, Oreg.

PRODUCT: 49 cases, each containing 6 6-pound, 14-ounce cans, of peaches at Philadelphia, Pa.

LABEL, IN PART: (Can) "Tracy's Brand Yellow Freestone Peach Halves 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 the regulations, and its label failed to bear the name of the optional packing medium present since the product was not packed in heavy sirup as designated on the label but was packed in slightly sweetened water.

Further misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned peaches by reason of the presence of an excessive number of blemishes and an excessive variance in size of the halves; and all peach units were not untrimmed, or so trimmed as to preserve their normal shape; and its label failed to bear a statement that the product fell below such standard.

DISPOSITION: December 1, 1949. Default decree of condemnation. The court ordered that the product be delivered to charitable institutions.

FRESH FRUIT

15377. Adulteration of blueberries. U. S. v. 71 Crates, etc. (F. D. C. No. 27854. Sample No. 11963-K.)

LIBEL FILED: August 5, 1949, Eastern District of New York.

ALLEGED SHIPMENT: On or about July 26, 1949, by Nick Lasinchak, from Jermyn, Pa.

PRODUCT: 71 crates, each containing 24 quarts, of blueberries at Brooklyn, N. Y.

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

DISPOSITION: September 16, 1949. Default decree of condemnation and destruction.

15378. Adulteration of blueberries. U. S. v. 1 Crate, etc. (and 2 other seizure actions). (F. D. C. Nos. 27853, 27858, 27863. Sample Nos. 7750-K, 47325-K, 47402-K.)

LIBELS FILED: July 27 and 29 and August 2, 1949, Western District of New York.

ALLEGED SHIPMENT: On or about July 25 and August 1, 1949, by Simon Puras, from Tobyhanna, Pa.

PRODUCT: 64 1-quart baskets of blueberries, and 3 crates, each containing 24 1-quart baskets, of blueberries at Buffalo, N. Y. Examination showed that the product contained maggots and thrips.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance.

DISPOSITION: August 22 and 30, 1949. Default decrees of condemnation and destruction.

15379. Adulteration of blueberries. U. S. v. 1 Crate, etc. (F. D. C. No. 27855. Sample No. 47321-K.)

LIBEL FILED: July 27, 1949, Western District of New York.

ALLEGED SHIPMENT: On or about July 25, 1949, by Mrs. J. Alonis, from Tobyhanna, Pa.

PRODUCT: 22 quarts, and 1 crate containing 24 1-quart baskets, of blueberries at Buffalo, N. Y. Examination showed that the product was infested with maggots or larvae.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance.

DISPOSITION: August 22, 1949. Default decree of condemnation and destruction.

VEGETABLES

15380. Adulteration of canned asparagus. U. S. v. 21 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 27580, 27581. Sample Nos. 1672-K, 1673-K.)

LIBELS FILED: July 20, 1949, Southern District of Georgia.

ALLEGED SHIPMENT: On or about May 12, 1949, by Walter P. Rawl, from Gilbert, S. C.

PRODUCT: 97 cases, each containing 24 1-pound, 3-ounce cans, of asparagus at Augusta, Ga.

LABEL, IN PART: "Medium [or "Large"] Spears Carolina Green Asparagus."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), water had been substituted in part for asparagus spears, which the product was represented to be. The product was packed in an excessive amount of water.