

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, protein, had been in part omitted and abstracted from the article.

Misbranding, Section 403 (e) (1), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; Section 403 (e) (2), it failed to bear a label containing an accurate statement of the quantity of the contents; and, Section 403 (i) (1), it failed to bear a label showing the common or usual name of the article.

DISPOSITION: August 17, 1949. A plea of guilty having been entered, the court imposed a fine of \$100, together with costs.

15582. Adulteration and misbranding of dog food. U. S. v. 300 Cases * * *
(F. D. C. No. 27282. Sample No. 8630-K.)

LIBEL FILED: May 27, 1949, District of New Jersey.

ALLEGED SHIPMENT: On or about May 2, 1949, by the Re-Dan Packing Co., from Ozone Park, N. Y.

PRODUCT: 300 cases, each containing 48 15½-ounce cans, of dog food at Perth Amboy, N. J.

LABEL, IN PART: "Tex Brand Dog Food * * * Guaranteed Analysis Min. 9% Protein."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, protein, had been in part omitted from the article.

Misbranding, Section 403 (a), the label statement "Min. 9% Protein" was false and misleading since the product contained less than the declared amount of protein.

DISPOSITION: August 8, 1949. The Re-Dan Packing 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.

FRUITS AND VEGETABLES

CANNED FRUIT*

15583. Misbranding of canned peaches. U. S. v. 998 Cases * * * (F. D. C. No. 28315. Sample Nos. 52871-K, 52877-K.)

LIBEL FILED: November 23, 1949, Southern District of Ohio.

ALLEGED SHIPMENT: On or about October 20 and 21, 1949, by the Honee Bear Syrup & Preserving Co., from Lawton, Mich.

PRODUCT: 998 cases, each containing 24 1-pound, 13-ounce cans, of peaches at Cincinnati, Ohio.

LABEL, IN PART: (Can) "Elberta Mary Jane Brand Peaches Fancy Halves Yellow Freestone."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Fancy Halves Yellow Freestone" was false and misleading as applied to the article, which was not of fancy grade. Further misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned peaches since the weight of the largest unit was more than twice the weight of the smallest unit and because more than 20 percent of the units were blemished with scab or other abnormalities; and the cans failed to bear the substandard legend.

*Fruit juice, see Beverages and beverage materials.