

DISPOSITION: May 22, 1951. Seufert Bros. Co., The Dalles, Oreg., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released so that the good codes could be separated from the unfit codes and the latter destroyed under the supervision of the Food and Drug Administration. Segregation resulted in the destruction of 54 $\frac{1}{6}$ cases.

17471. Misbranding of canned cherries. U. S. v. 24 Cases * * *. (F. D. C. No. 30783. Sample No. 28875-L.)

LIBEL FILED: February 28, 1951, Eastern District of New York.

ALLEGED SHIPMENT: On or about January 8, 1951, by Star Foods, Inc., from Salem, Oreg.

PRODUCT: 24 cases, each containing 48 10 $\frac{1}{2}$ -ounce cans, of cherries at Brooklyn, N. Y.

LABEL, IN PART: (Can) "Red Tart Pitted Cherries In Light Syrup * * * Syrup Pack * * * O. F. P. Brand * * * Packed By Oregon Fruit Products Co. Salem, Oregon."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Syrup Pack" was false and misleading as applied to a product which was packed in slightly sweetened water.

Further misbranding, Section 403 (g) (2), the product purported to be and was represented as canned cherries; and its label failed to bear, as specified by the regulations, the name of the optional packing medium present since the label represented the packing medium to be light sirup, whereas the product was packed in a packing medium designated as "Slightly Sweetened Water" in such definition and standard.

DISPOSITION: May 2, 1951. Default decree of condemnation and destruction. The decree was amended May 10, 1951, directing that the product be delivered to charitable institutions.

17472. Misbranding of canned peaches. U. S. v. 146 Cases * * *. (F. D. C. No. 30816. Sample No. 28253-L.)

LIBEL FILED: March 5, 1951, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about February 22, 1951, by the George Noroian Co., from Dinuba, Calif.

PRODUCT: 146 cases, each containing 6 6-pound, 12-ounce cans, of peaches at Philadelphia, Pa.

LABEL, IN PART: (Can) "Parke's Brand * * * Salad Cut Elberta Peaches In Heavy Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the product failed to bear the name of the optional peach ingredient and the name of the optional packing medium present as required by the definition and standard of identity for canned peaches. The label bore the statement "Salad Cut Elberta Peaches In Heavy Syrup," whereas the optional peach ingredient of the product was mixed pieces of irregular sizes and shapes and the optional packing medium used was light sirup.

DISPOSITION: March 21, 1951. The L. H. Parke Co., Philadelphia, Pa., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for re-labeling under the supervision of the Federal Security Agency.