

17629. Misbranding of canned peaches. U. S. v. 93 Cases * * *. (F. D. C. No. 30940. Sample Nos. 23272-L, 23273-L.)

LIBEL FILED: April 27, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about March 3, 1951, by George Noroian Co., from Dinuba, Calif.

PRODUCT: 93 cases, each containing 24 1-pound, 14-ounce cans, of peaches at New York, N. Y.

LABEL, IN PART: (Can) "Connoisseur JW Fancy Halves Nectar Peaches In Extra Heavy Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the label of the product failed to bear, as required by the regulations prescribing a definition and standard of identity for canned peaches, the name of the optional peach ingredient and the name of the optional packing medium present in the product. The label bore the statement "Nectar Peaches In Extra Heavy Syrup," whereas the peach ingredient was white freestone peaches and the packing medium was heavy sirup.

DISPOSITION: June 5, 1951. Jules Weber, Inc., New York, N. Y., 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 relabeling, so as to bring it into compliance with the law, under the supervision of the Federal Security Agency.

17630. Misbranding of canned pears. U. S. v. 271 Cases * * *. (F. D. C. No. 30756. Sample Nos. 4873-L, 4878-L, 28452-L.)

LIBEL FILED: March 15, 1951, District of Massachusetts.

ALLEGED SHIPMENT: On or about January 5, 1951, by Hunt Foods, Inc., from Alameda, Calif.

PRODUCT: 271 cases, each containing 24 1-pound, 13-ounce cans, of pears at Charlestown, Mass.

LABEL, IN PART: (Can) "Hunt's Halves Bartlett Pears In Heavy Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (h) (2), the product failed to comply with the standard of fill of container for canned pear halves since it did not contain the maximum quantity of pear halves which could be sealed in the container and processed by heat to prevent spoilage, without crushing or breaking such ingredient, as the standard specifies; and its label failed to bear a statement that the product fell below such standard.

DISPOSITION: July 24, 1951. Hunt Foods, Inc., Fullerton, Calif., 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 segregation and relabeling of the misbranded cans, under the supervision of the Federal Security Agency.

FROZEN FRUIT

17631. Adulteration of frozen fruit. U. S. v. 300 Cans * * * (and 9 other seizure actions). (F. D. C. Nos. 20858, 21043, 21130, 21168, 21215, 21216, 21231, 21236, 21687, 22200. Sample Nos. 1689-H, 1692-H, 1947-H, 1973-H, 50997-H, 50999-H, 53090-H, 57208-H, 57430-H, 60725-H.)

LIBELS FILED: September 9 and 25, October 5, 9, 10, 11, and 15, and November 26, 1946, and January 23, 1947, Western District of New York, Eastern and Middle Districts of North Carolina, District of Minnesota, Northern District