

composed lobster meat. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 27, 1951. Default decree of condemnation and destruction.

## FRUITS AND VEGETABLES

### CANNED FRUIT

18022. Misbranding of canned peaches. U. S. v. 399 Cases \* \* \*. (F. D. C. No. 31780. Sample No. 28037-L.)

LIBEL FILED: October 10, 1951, District of Massachusetts.

ALLEGED SHIPMENT: On or about August 28, 1951, by the Pacific Grape Products Co., from Modesto, Calif.

PRODUCT: 399 cases, each containing 24 1-pound, 13-ounce cans, of peaches at Boston, Mass.

LABEL, IN PART: (Can) "Dainty Pak Brand \* \* \* Elberta Yellow Free Peach Halves. In Heavy Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned peaches since the article contained peach halves that were so trimmed as not to preserve their normal shape, and more than 5 percent of the peach halves in the container of the article were crushed or broken; and the label failed to bear a statement that the article fell below the standard.

DISPOSITION: January 3, 1952. The Pacific Grape Products Co., 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, under the supervision of the Federal Security Agency.

18023. Misbranding of canned peaches. U. S. v. 199 Cases, etc. (F. D. C. Nos. 31752, 31754. Sample Nos. 11689-L, 11710-L.)

LIBEL FILED: October 8, 1951, Eastern District of Kentucky.

ALLEGED SHIPMENT: On or about August 4, 1951, by Markham Brothers & Co., from Fort Valley, Ga.

PRODUCT: 370 cases, each containing 24 1-pound, 14-ounce cans, of peaches at Lexington, Ky.

LABEL, IN PART: (Can) "Pride of Georgia Yellow Freestone Halves Peaches In Heavy Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned peaches since the article failed to meet the test for tenderness prescribed by the standard, and the label failed to bear a statement that the article fell below the standard.

DISPOSITION: November 8, 1951. Markham Brothers & 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 for relabeling, under the supervision of the Federal Security Agency.

18024. Misbranding of canned peaches. U. S. v. 279 Cases \* \* \*. (F. D. C. No. 31713. Sample No. 1038-L.)

LIBEL FILED: September 21, 1951, Southern District of Florida.

**ALLEGED SHIPMENT:** On or about August 3, 1951, by the Cherokee Products Co., from Haddock, Ga.

**PRODUCT:** 279 cases, each containing 24 1-pound, 13-ounce cans, of peaches at Jacksonville, Fla.

**LABEL, IN PART:** (Can) "O'sage Brand \* \* \* Yellow Freestone Peaches Halves In Heavy Syrup."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned peach halves since the article failed to meet the test for tenderness prescribed by the standard, and the weight of the largest unit in the container of the article was more than twice the weight of the smallest unit; and all units of the article were not untrimmed, or so trimmed as to preserve their normal shape, and the label of the article failed to bear a statement that the article fell below the standard.

**DISPOSITION:** October 26, 1951. The Cherokee Products Co., 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, under the supervision of the Federal Security Agency.

### FRESH FRUIT

**18025. Adulteration of fresh blueberries. U. S. v. 60 Crates \* \* \*. (F. D. C. No. 31702. Sample No. 25672-L.)**

**LIBEL FILED:** July 25, 1951, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about July 23, 1951, by the Blueberry Cooperative Assn., from New Lisbon, N. J.

**PRODUCT:** 60 crates, each containing 12 1-pint boxes, of fresh blueberries at Philadelphia, Pa.

**LABEL, IN PART:** (Box) "Tru-Blu-Berries Harvest Moon Brand."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance. (Examination showed that the article was infested with maggots.)

**DISPOSITION:** August 6, 1951. Default decree of condemnation and destruction.

**18026. Adulteration of fresh blueberries. U. S. v. 4 Crates \* \* \* (and 1 other seizure action). (F. D. C. Nos. 31697, 31698. Sample Nos. 5620-L, 5621-L.)**

**LIBELS FILED:** August 15, 1951, District of Massachusetts.

**ALLEGED SHIPMENT:** On or about August 10, 1951, by Alfred G. Wuori, from Waldoboro, Maine.

**PRODUCT:** 9 crates, each containing 24 1-quart boxes, of fresh blueberries at Boston, Mass.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance. (Examination showed that the article contained maggots.)

**DISPOSITION:** September 17, 1951. Default decrees of condemnation and destruction.

**18027. Adulteration of fresh blueberries. U. S. v. 6 Crates \* \* \*. (F. D. C. No. 31700. Sample No. 5915-L.)**

**LIBEL FILED:** August 15, 1951, District of Massachusetts.