

pits, and its label failed to bear a statement that the product fell below the standard.

DISPOSITION: April 8, 1952. The shipper, 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 to be relabeled under the supervision of the Federal Security Agency.

18929. Misbranding of canned peaches. U. S. v. 248 Cases * * *. (F. D. C. No. 32956. Sample No. 27241-L.)

LIBEL FILED: March 13, 1952, District of Massachusetts.

ALLEGED SHIPMENT: On or about February 6, 1952, by Flotill Products, Inc., from Stockton, Calif.

PRODUCT: 248 cases, each containing 24 1-pound, 13-ounce cans, of peaches at Boston, Mass.

LABEL, IN PART: (Can) "Elberta * * * Cal-Top Brand Yellow Freestone Peaches Mixed Pieces of Irregular Sizes and Shapes In heavy Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (h) (2), the product fell below the standard of fill of container for canned peaches, and its label failed to bear a statement that the product was below the standard; and, Section 403 (f), the information required by law to appear on the label, namely, the name of the optional packing medium present in the food, was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use in that the name of the optional packing medium present "heavy syrup" did not appear conspicuously on the label since it was in dark type on a dark background.

DISPOSITION: October 14, 1952. The shipper, 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 to be relabeled under the supervision of the Food and Drug Administration.

DRIED FRUIT

18930. Adulteration of pitted dates. U. S. v. 250 Boxes * * *. (F. D. C. No. 32968. Sample No. 33854-L.)

LIBEL FILED: March 26, 1952, Northern District of Illinois.

ALLEGED SHIPMENT: On or about November 17, 1951, from New York, N. Y.

PRODUCT: 250 70-pound boxes of pitted dates at Chicago, Ill., in possession of the Seng Terminal Warehouse Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs and rodent-gnawed dates; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: April 29, 1952. The Seng Terminal Warehouse Co. 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