Co. from San Francisco, Calif.; and charging that it was misbranded. It was labeled in part: (Cans) "Jes-so Peach and Pear Mix Diced Peaches and Pears in Heavy Syrup."

The article was alleged to be misbranded (1) in that the vignette and the legend "Peach and Pear Mix Diced Peaches and Pears" were false and misleading since they represented and suggested that the articles consisted of diced pieces of peaches and pears, whereas it consisted of pieces that were not diced but were of very irregular size and shape and many of which were extremely small and mushy; and (2) in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient, since it contained ingredients other than peach and pear.

On March 2, 1942, Grosberg-Golub Co., Inc., Schenectady, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

3311. Misbranding of canned pears. U. S. v. 50 Cases of Canned Pears. Default decree of condemnation and destruction. (F. D. C. No. 6786. Sample No. 89026–E.)

Examination showed that this product was substandard because all units were not untrimmed or so trimmed as to preserve their normal shape, and more than 10 percent of the units in the container were crushed or broken.

On January 30, 1942, the United States attorney for the Eastern District of New York filed a libel against 50 cases, each containing 24 cans, of pears at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about November 4, 1941, by Washington Packers, Inc., from Sumner, Wash.; and charging that it was misbranded. It was labeled in part: (Cans) "Sunburst Brand Halves Bartlett Pears * * * Contents 1 Lb. 14 Oz."

The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard and its label failed to bear, in such manner and form as the regulations specify, a statement that it fell below such standard.

On March 31, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

3312. Adulteration of diced fruit. U. S. v. 49 Cans of Diced Fruit (and 2 additional seizure actions against diced fruit). Default decrees of condemnation and destruction. (F. D. C. Nos. 6569, 6588, 6589. Sample Nos. 50354–E to 50356–E, incl., 59081–E, 80045–E.)

This product contained insect fragments, rodent hairs, and miscellaneous filth fragments.

On December 22 and 24, 1941, the United States attorneys for the Western District of Kentucky and the District of Maryland filed libels against 49 30-pound cans of diced fruit at Louisville, Ky., 10 30-pound cans of mixed diced fruit, 4 30-pound cans of diced oranges, 3 30-pound cans of diced lemon and 1 open barrel containing 117 pounds of diced fruit at Baltimore, Md., alleging that the article had been shipped in interstate commerce within the period from on or about November 5 to on or about November 17, 1941, by the Citrus Fruit Specialties Co. from New York, N. Y.; and charging that it was adulterated. The article was variously labeled: (49 cans, shipping carton for individual cans) "Merita Diced Mixed Fruit"; (17 cans) "Mixed Diced Fruit Contains Orange and Grapefruit Peel"; "Diced Orange," or "Diced Lemon"; (side of barrel) "Diced Fruit Red Contains Grapefruit."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared, packed, or held under insanitary conditions wherby it might have become contaminated with filth.

On February 10, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

3313. Misbranding of canned fruit cocktail. U. S. v. 800 Cases of Fruit Cocktail. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 6672. Sample No. 75813–E.)

This product was not of Fancy quality, as labeled.

On January 8, 1942, the United States attorney for the District of Massachusetts filed a libel against 800 cases, each containing 48 cans, of fruit cocktail at Charlestown, Mass., alleging that the article had been shipped in interstate commerce on or about October 27, 1941, by Fruitvale Canning Co. of Oakland, Calif., from San