

was labeled in part: (Jars) "Dewkist Brand Fancy Tree Ripened Halves Yellow Freestone Peaches. Contents 1 Lb. 13 Oz. Packed by Washington Packers, Inc. Sumner, Washington."

The article was alleged to be misbranded in that the statement "Contents 1 Lb. 13 Oz." was false and misleading since the article was short weight; in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents; and in that the article purported to be and was represented as food for which a definition and standard of identity had been prescribed by regulations and its label failed to bear, as required by the regulations, the name of the optional packing medium present in such food, "Heavy Sirup."

On November 15, 1943, the Ozark Grocer Co., Fayetteville, Ark., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

5508. Misbranding of canned peaches. U. S. v. 87 Cases of Peaches. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 10524. Sample No. 43112-F.)

On September 3, 1943, the United States attorney for the District of Oregon filed a libel against 87 cases, each containing 24 cans, of peaches at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about July 19, 1943, by the A. Magnano Co., from Seattle, Wash.; and charging that it was misbranded. It was labeled in part: (Cans) "Valamont Brand Tree-Ripened Halves Yellow Freestone Elberta Peaches * * * Packed by National Fruit Canning Co., Seattle, Wash."

The article was alleged to be misbranded in that it purported to be and was represented as food for which a definition and standard of identity had been prescribed by regulations, and its label failed to bear, as the regulations require, the name of the optional packing medium present in such food, "Heavy Sirup."

On October 2, 1943, the National Fruit Canning Company, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be relabeled under supervision of the Food and Drug Administration.

DRIED FRUIT

5509. Adulteration of dried black cherries. U. S. v. 125 Boxes and 500 Boxes of Dried Black Cherries, Unpitted. Decree of condemnation. Product ordered destroyed. (F. D. C. No. 8673. Sample Nos. 18846-F, 18847-F.)

On November 4, 1942, the United States attorney for the Eastern District of New York filed a libel against 625 25-pound boxes of dried black cherries, unpitted, at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about September 15, 1942, by the Springbrook Packing Co., Springbrook, Oreg.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed and filthy substance, decomposed cherries and rodent hairs, insects, insect fragments, and mites. The article was labeled in part: (Box) "Dried Black Cherries Unpitted West Coast Fruit Co. Portland Ore."

On October 30, 1943, the claimant having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

5510. Adulteration of dried currants. U. S. v. 16 Cases of Dried Currants. Default decree of condemnation. Product ordered delivered to a public institution for use as animal feed. (F. D. C. No. 10374. Sample No. 34554-F.)

On or about August 11, 1943, the United States attorney for the Southern District of Florida filed a libel against 16 cases, each containing 72 packages, of dried currants at Jacksonville, Fla., alleging that the article had been shipped in interstate commerce from Locans, Calif., by the Bonner Packing Co., on or about November 16, 1942; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance by reason of the presence therein of weevils, larvae, and pupae. The article was labeled in part: (Package) "Dubon Brand Selected Washed and Cleaned Currants."

On September 21, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. On September 24, 1943, the judgment was amended to provide for the delivery of the product to a public institution for use as animal feed.