

SHIPPED: 1-18-63 and 5-1-63, from Chicago, Ill., and Brownsville, Tex., by Booth Fisheries Corp.

LABEL IN PART: (Can) "Booth Frozen Oysters * * * Distributed by Booth Fisheries Corporation General Offices Chicago, Illinois."

RESULTS OF INVESTIGATION: Examination showed that the average drained liquid was 42.6 percent (13-case lot) and 28.4 percent (73-case lot).

LIBELED: 6-10-63, Dist. Colo.

CHARGE: 402(b)(2)—when shipped, water had been substituted in part for oysters; 403(a)—the label statement "Oysters" was false and misleading as applied to a product consisting in part of water; and 403(i)(2)—the label failed to bear the common or usual name of each ingredient, since added water had not been declared.

DISPOSITION: 8-1-63. Default—destruction.

FRUITS AND VEGETABLES

CANNED FRUIT

29257. Canned peaches. (F.D.C. No. 49329. S. Nos. 4-947 X, 5-704 X.)

QUANTITY: 528 cases, each containing 24 1-lb. 13-oz. cans, at Richmond, Va.

SHIPPED: Between 7-13-63 and 8-23-63, from Monticello, Ga., by Henderson's Cold Storage, Inc.

LABEL IN PART: (Can) "Betty Ann Yellow Freestone Peaches Halves in Heavy Syrup * * *. Packed by Henderson's Cold Storage, Inc. Monticello, Ga."

LIBELED: 9-13-63, E. Dist. Va.

CHARGE: 403(h)(1)—when shipped, the article failed to conform to the standard of quality for canned peaches, in that all peach units of the article tested were not pierced by a weight of not more than 300 grams, and its label failed to bear a statement that it fell below such standard.

DISPOSITION: 11-12-63. Consent—claimed by Henderson's Cold Storage, Inc., for relabeling.

29258. Canned peaches. (F.D.C. No. 49372. S. No. 1-874 X.)

QUANTITY: 375 cases, each containing 24 1-lb. 3-oz. cans, at Tampa, Fla.

SHIPPED: 7-21-63, from Meansville, Ga., by Roberts Canning Co.

LABEL IN PART: (Can) "Sunny Land Halves Yellow Freestone Peaches In Heavy Syrup * * * Packed by Roberts Canning Co. Meansville, Ga."

LIBELED: On or about 10-14-63, M. Dist. Fla.

CHARGE: 403(g)(2)—when shipped, the article purported to be and was represented as canned peaches, a food for which a definition and standard of identity had been prescribed by regulations, and its label failed to bear the name of the optional packing medium present in such food, since the article was packed in a medium designated as "Light Sirup" by such definition and standard.

DISPOSITION: 12-13-63. Consent—claimed by Roberts Canning Co., for relabeling.

29259. Canned plums. (F.D.C. No. 49508. S. No. 40-655 X.)

QUANTITY: 158 cases, each containing 24 1-lb. 13-oz. cans, at Mt. Kisco, N.Y.

SHIPPED: 9-6-63, from Upland, Calif., by Old Ranchers Canning Co., Inc.