28953. Frozen frog legs. (F.D.C. No. 48584. S. No. 39–259 V.)

QUANTITY: 3 ctns., each containing 10 boxes, at Montclair, N.J.

SHIPPED: 11–6–62, from New York, N.Y., by Atlas Sea Food, Inc.

LABEL IN PART: (Box) "Kabuki Fresh Frozen Frog Legs Net Wt. 5 Lbs. Packed By C. Itoh & Co. Ltd. Tokyo, Japan. Product of Japan."

RESULTS OF INVESTIGATION: Examination showed the article to be short weight.

LIBELED: 1–2–63, Dist. N.J.

CHARGE: 403(e)(2)—when shipped, the label of the article failed to bear an accurate statement of the quantity of contents.

DISPOSITION: 9–11–63. Consent—destruction.

FRUITS AND VEGETABLES

CANNED FRUIT

28954. Canned peaches. (F.D.C. No. 47860. S. No. 42–366 R.)

INFORMATION FILED: 11–7–62, N. Dist. Calif., against Stanislaus Food Products Co., a corporation, Modesto, Calif.

SHIPPED: 5–18–61, from Modesto, Calif., to Philadelphia, Pa.

LABEL IN PART: "Food Club Sliced Yellow Freestone Elberta Peaches In Extra Heavy Sirup Distributed by Topco Associates Inc. Chicago, Illinois Contents 1 Lb. 14 Oz."

CHARGE: 403(h)(2)—when shipped, the article fell below the standard of fill of container for canned peaches, since there was not present the maximum quantity of the optional peach ingredient which could be sealed in the container and processed by heat to prevent spoilage without crushing or breaking such ingredient and its label failed to bear a statement that it fell below the standard.

PLEA: Guilty.

DISPOSITION: 1–24–63. $500 fine.

28955. Canned peaches. (F.D.C. No. 48254. S. No. 3–503 V.)

QUANTITY: 403 cases, each containing 24 1-lb. 13-oz. cans, at Raleigh, N.C.

SHIPPED: 8–10–62, 9–10–62, and 10–1–62, from Harry County, S.C., Corbett Sales Co.

LABEL IN PART: (Can and cases) "Corbett's Polly Peach Brand Peaches Yellow Freestone Halves in Heavy Syrup * * * Packed by Corbett Canning Company, Inc. Tabor City, North Carolina Cecelia, Louisiana."

LIBELED: 11–19–62, E. Dist. N.C.

CHARGE: 403(g)(2)—when shipped, the article failed to conform to the definition and standard for canned peaches since its label failed to bear the name of the optional packing medium present, since its label bore the statement "In Heavy Syrup" whereas the article was packed in a medium designated as "light syrup"; and 403(h)(1)—the article fell below the standard of quality for canned peaches, since all peach units of the article were not pierced by a weight of not more than 300 grams, and since the weight of the largest unit in the container was more than twice the weight of the smallest unit, and its label failed to bear a statement that the article fell below the standard.

DISPOSITION: 1–9–63. Consent—claimed by Corbett Canning Co., and relabeled.