

the juice of up to 12 oranges" was false and misleading since it was contrary to fact.

DISPOSITION: 4-27-62. Consent—delivered to a charitable institution.

28078. Orange juice. (F.D.C. No. 46534. S. No. 51-391 T.)

QUANTITY: 719 cases, 12 btls. each, at Anaheim, Calif.

SHIPPED: 11-7-61, from Seattle, Wash. This was a return shipment.

LABEL IN PART: (Case) "Sunnyland Juice Corp. Orange Juice 12 Quarts"; (btl.) "Sunnyland One Quart" (Brown in btl. glass); (btl. cap) "Sunnyland Orange Juice Anaheim & Santa Clara, Calif."

RESULTS OF INVESTIGATION: Examination showed this article to be short volume.

LIBELED: 11-16-61, S. Dist. Calif.

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

DISPOSITION: 12-26-61. Consent—claimed by Sunnyland Juice Corp., and repacked and reconditioned.

28079. Cherries brined. (F.D.C. No. 46339. S. No. 48-303 T.)

QUANTITY: 159 250-lb. bbls. at Santa Clara, Calif.

SHIPPED: 8-29-61, from Dalles, Oreg., by Dalles Cooperative Growers.

LIBELED: 9-21-61, N. Dist. Calif.

CHARGE: 402(a) (3)—contained *Drosophila* flies, *Drosophila* pupae, other insects, and insect fragments when shipped.

DISPOSITION: 11-3-61. Consent—claimed by Dalles Cooperative Growers. Segregated; 4 bbls. destroyed.

VEGETABLES AND VEGETABLE PRODUCTS*

28080. Canned lima beans. (F.D.C. No. 47481. S. No. 67-746 T.)

QUANTITY: 250 cases, 24 cans each, at Hazelwood, Mo.

SHIPPED: 4-14-62, from Siloam Springs, Ark., by Allen Canning Co.

LABEL IN PART: (Can) "King of Ozarks All Green Medium Lima Beans * * * Net Contents 15 Oz. Avoir. Allen Canning Company Packers and Distributors, Siloam Springs, Ark."

LIBELED: 5-4-62, E. Dist. Mo.

CHARGE: 403(a)—when shipped, the label statement "All Green" was false and misleading since the article was prepared from dry stock and consisted of approximately 14 percent white beans; and 403(g) (1)—the article failed to conform to the definition and standard of identity for canned lima beans in that it was not prepared from the succulent vegetable, but from dry lima beans, and its label failed to state that fact.

DISPOSITION: 6-15-62. Default—delivered to charitable institutions.

28081. Canned green beans. (F.D.C. No. 47240. S. No. 61-316 T.)

QUANTITY: 158 cases, 24 cans each, at St. Louis, Mo.

SHIPPED: 1-29-62, from Springdale, Ark., by Steele Canning Co.

LABEL IN PART: (Can) "Net Contents 15½ Oz. Avoir. Nancy Jo Brand Cut Green Beans Steele Canning Co., Packers & Distr., Springdale, Ark."

*See also No. 28023.

LIBELED: 3-14-62, E. Dist. Mo.

CHARGE: 403(h)(1)—the quality of the article fell below the standard of quality for canned cut green beans since the deseeded pods of the article contained more than 0.15 percent by weight of fibrous material and its label did not bear, as specified by the regulations, a statement that it fell below such standard.

DISPOSITION: 4-27-62. Default—delivered to charitable institutions.

28082. Canned sliced beets. (F.D.C. No. 47388. S. No. 51-866 T.)

QUANTITY: 33 cases, 12 jars each, at Seattle, Wash.

SHIPPED: 10-9-61, from West Salem, Oreg., by Blue Lake Packers.

LABEL IN PART: (Jar) "Grandma Burny's * * * French Garlic Beets * * * Contents 1 Pint Packed by The Mar-Kit Corp. Santa Monica, California."

RESULTS OF INVESTIGATION: Examination showed that the name and address of the packer and the quantity of contents statement were inconspicuous due to being printed in very small type. The article was not packed by the Mar-Kit Corp.

LIBELED: 3-21-62, W. Dist. Wash.

CHARGE: 403(a)—when shipped, the label statement "Packed by The Mar-Kit Corp., Santa Monica, California" was false and misleading, since the Mar-Kit Corp. was not the packer of the article; 403(f)—the name and place of business of the manufacturer, packer, distributor, and an accurate statement of the quantity of contents, was not prominently placed on the label with such conspicuousness (as compared with other words and statements on the label) as to render such information likely to be read by the ordinary individual under customary conditions of purchase and use; and 403(g)(1)—the article failed to conform to the definition and standard of identity for canned beets in that its label failed to bear words showing the optional form of the beet ingredient, namely "Slices" or "Sliced"; the names of the optional ingredients did not immediately precede or follow the name of the food without intervening written, printed or graphic matter; and the article contained sodium benzoate, which is not permitted as an ingredient of the article.

DISPOSITION: 4-16-62. Default—delivered to a public institution.

28083. Canned mushrooms. (F.D.C. No. 47372. S. No. 8-177 T.)

QUANTITY: 46 cases, 24 jars each, at Chelmsford, Mass.

SHIPPED: 1-10-62, from West Chester, Pa., by Brandywine Mushroom Corp.

LABEL IN PART: (Jar) "Brandywine Fancy Button Mushrooms * * * Net Drained Wt. 2½ Oz. Avoir. Brandywine Mushroom Corp. West Chester, Pa."

RESULTS OF INVESTIGATION: Examination showed that the article was contained in glass jars with a wraparound label which overlapped and covered the figures of the quantity of contents statement in part, making it inconspicuous.

LIBELED: 3-9-62, Dist. Mass.

CHARGE: 403(f)—when shipped, the information required by 403(e)(2) to appear on the label, namely, the quantity of contents statement, was not prominently placed on the label with such conspicuousness (as compared with other words and statements on the label) as to render such information likely to be read by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: 5-1-62. Default—delivered to a public or charitable institution.