27703. Canned peaches. (F.D.C. No. 46918. S. No. 846 T.)

QUANTITS: 156 cases, 24 1-lb. 13-oz. cans each, at Durham, N.C.

SHIPPED: 7–24–61 and 8–10–61, from Gilbert, S.C., by Walter P. Rawl & Sons.

LABEL IN PART: (Can) "Carolina Yellow Free Peaches Halves in Heavy Syrup Packed by Walter P. Rawl & Sons Gilbert S.C."

RESULTS OF INVESTIGATION: Examination showed that the article contained peaches of excessive hardness.

LIBELED: 1–17–62, M. Dist. N.C.

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

DISPOSITION: 3–5–62. Consent—claimed by Walter P. Rawl & Sons, and released under bond for relabeling.

MISCELLANEOUS FRUIT PRODUCTS

27704. Apple juice. (F.D.C. No. 46410. S. No. 93–968 R.)

QUANTITY: 44 cases, 12 jars each, at Charleston Heights, S.C.

SHIPPED: 3–8–61, from Lexington, N.C., by Davis Frozen Foods, Inc.

LABEL IN PART: (Jar) "Highland Harvest Pure Apple Juice * * * Contents ¼ Gallon [or "Contents 1 Quart"]."

RESULTS OF INVESTIGATION: Examination showed that the article was short volume.

LIBELED: 8–28–61, E. Dist. S.C.

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

DISPOSITION: 11–30–61. Default—delivered to charitable institutions.

27705. Orange juice. (F.D.C. No. 42470. S. No. 7–066 P.)

INFORMATION FILED: 7–6–59, S. Dist. Fla., against Lester Ivey and Jerry Ivey, partners in the partnership of Osceola Fruit Distributors, Kissimmee, Fla.

SHIPPED: 9–26–58, from Florida to Connecticut.

LABEL IN PART: (Ctn.) "Ivey's King Sun Reconstituted Orange Juice * * * Prepared from Fresh Pure Orange Juice Blended with Reconstituted Fresh Frozen Concentrated Orange Juice * * * One Quart * * * Filled By Osceola Fruit Distributors Kissimmee, Fla. * * * Rich in Vitamin C No Sugar or Preservatives Added."

CHARGE: 402(b)(2)—when shipped, water and sugar had been substituted in part for reconstituted orange juice; 402(b)(4)—water and sugar had been added to the article and mixed and packed with it so as to increase its bulk and weight and reduce its quality and strength; 403(a)—the label statements "Reconstituted Orange Juice Prepared From Fresh Pure Orange Juice Blended with Reconstituted Fresh Frozen Concentrated Orange Juice * * * No Sugar or Preservatives added" were false and misleading as applied to a product containing added sugar and added water in excess of that necessary to make reconstituted orange juice; and 403(i)(2)—the label of the article failed to bear the common or usual name of each ingredient of the article.