RESULTS OF INVESTIGATION: Examination showed the product to be canned apricots consisting of whole, unpeeled apricots containing more than 5 percent of crushed and broken units.

LIBELED: 6–21–61, Dist. S. Dak.

CHARGE: 403(a)—when shipped, the vignette depicting whole, unbroken apricots, and the label statement "mixed pieces of irregular sizes and shapes" were false and misleading; 403(g)(2)—the article purported to be and was represented as canned apricots, a food for which a definition and standard of identity has been prescribed by regulations, and its label failed to bear, as required by regulations, the name of the optional apricot ingredient, namely, "Whole"; and 403(h)(1)—the article fell below the standard of quality for canned apricots, since more than 5 percent of the units in a container of 20 or more units were crushed and broken, and its label failed to bear, as required by regulations, the statement "Below Standard in Quality Partly Crushed or Broken."

DISPOSITION: 7–20–61. Consent—delivered to a charitable institution.

27427. Glace cherries. (F.D.C. No. 44777. S. No. 21–434 R.)

QUANTITY. 5 30-lb. cans at Cleveland, Ohio.

SHIPPED: 2–29–60, from North East, Pa., by Ohio Fruit Products Co., Inc.

LABEL IN PART: (Can) "Garden of Eden Whole and Broken Glaced Cherries."

LIBELED: 8–23–60, N. Dist. Ohio.

CHARGE: 402(a)(3)—contained maggots, insect fragments, insect head capsules, and fly fragments; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 9–5–61. Default—destruction.

27428. Spiced peaches. (F.D.C. No. 45851. S. No. 60–533 R.)

QUANTITY: 129 cases, 12 1-lb. 14-oz. jars each, at Cullman, Ala.

SHIPPED: 3–11–61, from Zebulon, Ga.

LIBELED: 6–29–61, N. Dist. Ala.

CHARGE: 402(a)(3)—contained decomposed peaches while held for sale.

DISPOSITION: 7–31–61. Default—destruction.

DRIED FRUIT

27429. Dried prunes. (F.D.C. No. 45492. S. No. 33–807 R.)

QUANTITY: 265 22-lb. cases at Jersey City, N.J.

SHIPPED: 6–21–60, from Brooklyn, N.Y.

LIBELED: On or about 3–7–61, Dist. N.J.

CHARGE: 402(a)(3)—contained insects and rodent hairs while held for sale.

DISPOSITION: 4–10–61. Default—destruction.

27430. Dates. (F.D.C. No. 46145. S. Nos. 97–290/1 R.)

QUANTITY: 14 cases, 24 pkgs. each, and 12 cases, 24 pkgs. each, at Buffalo, N.Y.

SHIPPED: Prior to 7–13–61, by National Biscuit Co., Special Products Div., Lyons, N.Y., where the article was repacked after having been imported into the United States in bulk lots from Iraq.