

LABEL, IN PART: (Cans) "Val Vita Brand Sliced Yellow Cling Peaches In Light Syrup * * * [or "Halves Yellow Freestone Peaches in Extra Heavy Syrup"] * * * Packed For Val Vita Food Co. * * * San Francisco California."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), (lot at Buffalo) the statements on the label, "Sliced Yellow Cling Peaches," and "In Light Syrup," were false and misleading as applied to the article since it contained, in some cans, peach halves packed in heavy sirup; and other cans contained slightly sweetened water as a packing medium; (Portland lot) Section 403 (a), the statement on the label, "in Extra Heavy Syrup," was false and misleading as applied to the article since it was packed in heavy sirup; and, Section 403 (h) (1), the article purported to be and was represented as a food for which a standard of quality has been prescribed by regulations promulgated pursuant to law, but it fell below the standard, since all units of the peach halves were not untrimmed or so trimmed as to preserve normal shape, and the label of the article failed to bear the substandard legend, as required by regulations.

DISPOSITION: February 16 and April 10, 1944. The Hunt Brothers Packing Co. having appeared as claimant, judgments of condemnation were entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

6510. Misbranding of canned peaches. U. S. v. 146 Cases of Canned Peaches. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 11965. Sample No. 62438-F.)

LIBEL FILED: March 6, 1944, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about August 7, 1943, by the Mor-Pak Preserving Corporation, from Stockton, Calif.

PRODUCT: 146 cases, each containing 24 1-pound, 14-ounce cans of peaches at St. Louis, Mo.

The product was shipped unlabeled.

VIOLATIONS CHARGED: Misbranding, Section 403 (e) (1), the article was food in package form and it failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; Section 403 (e) (2), it failed to bear an accurate statement of the quantity of the contents; and Section 403 (g) (2), the article failed to bear a label, as required by the definition and standard of identity for canned peaches, containing the name of the optional peach ingredient and a designation of the optional liquid packing medium.

DISPOSITION: March 21, 1944. The General Grocer Co., St. Louis, Mo., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

6511. Adulteration of frozen peaches. U. S. v. 100 Barrels of Peaches (and 6 other seizure actions against frozen peaches). Portions of product ordered released under bond to be used in wine making; remainder ordered destroyed. (F. D. C. Nos. 10925, 10926, 10975, 11030, 11109, 11162, 11322. Sample Nos. 28069-F, 35464-F, 35723-F, 48234-F to 48236-F, incl., 56903-F, 57464-F, 58416-F.)

LIBELS FILED: Between October 8 and December 16, 1943, Northern District of Georgia, District of New Jersey, Northern District of Ohio, and District of Columbia.

ALLEGED SHIPMENT: From on or about July 8 to August 28, 1943, from Chattanooga, Cleveland, Knoxville, and Nashville, Tenn., by the Chickamauga Producers, Inc.

PRODUCT: Peaches: 295 barrels at Atlanta, Ga., 193 barrels at Jersey City, N. J., 190 barrels at Cleveland, Ohio, and 64 barrels at Washington, D. C.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of peaches which were in various stages of fermentation; one portion also consisted in whole or in part of a filthy substance by reason of the presence of wormy peaches.

DISPOSITION: Between November 27, 1943, and February 14, 1944, the following claimants appeared: Swift & Co., for 100 barrels at Atlanta, Ga.; Southern Dairies, Inc., for 107 barrels at Atlanta, Ga.; Acme Pie Co., Cleveland, Ohio; G. W. Bagwell, Chattanooga, Tenn., and Chickamauga Producers Inc., Cleve-