CHARGE: 403(a)—when shipped, the labeling of the article was false and misleading because of the vignette depicting peach halves and the label statement "Packed in Heavy Syrup," whereas, the article was actually mixed pieces of irregular sizes and shapes packed in light sirup; and 403(g)(2)—the article failed to bear, as required by the definition and standard of identity for canned peaches, the correct name of the optional peach ingredient and the name of the optional packing medium present in the article.

DISPOSITION: 10–9–59. Default—delivered to a charitable institution.

DRIED FRUIT

25879. Raisins. (F.D.C. No. 43448. S. No. 65–769 P.)

QUANTITY: 32 30-lb. boxes at Johnstown, Pa.

SHIPPED: 10–16–58, from Fresno, Calif.

LIBELED: 9–18–59, W. Dist. Pa.

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

DISPOSITION: 10–16–59. Default—destruction.

FRESH FRUIT

25880. Fresh blueberries. (F.D.C. No. 41134. S. No. 64–141 P.)

QUANTITY: 5 crates, 24 1-qt. boxes each, and 7 crates, 16 1-qt. boxes each, at Boston, Mass.

SHIPPED: 7–31–59, from Alton Bay, N.H., by A. W. Guild.

RESULTS OF INVESTIGATION: Examination showed that the article contained maggots.

LIBELED: 7–31–59, Dist. Mass.

CHARGE: 402(a)(3)—contained a filthy substance when shipped.

DISPOSITION: 9–14–59. Default—destruction.

VEGETABLES AND VEGETABLE PRODUCTS

25881. Dried beans, oleomargarine, and lard. (F.D.C. No. 42423. S. Nos. 17–212/4 P.)

INFORMATION FILED: 2–11–59, E. Dist. Ky., against Tri-State Wholesale Co., Inc., Middlesboro, Ky., and E. T. Moore, manager.

ALLEGED VIOLATION: Between 6–20–58 and 9–11–58, while quantities of beans, oleomargarine, and lard were being held for sale after shipment in interstate commerce, the defendants caused the articles to be held in a building that was accessible to rodents and insects and to be exposed to contamination by rodents and insects, which acts resulted in the articles being adulterated.

CHARGE: 402(a)(4)—held under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 4–6–59. Sentence was suspended and both the corporation and the individual were placed on probation for 3 years.

On 6–8–59, the defendants were brought before the court on a charge of violating probation since on 5–5–59 defendants were found to be holding food under insanitary conditions. After hearing testimony the court found that the defendants had violated their probation and fined them the costs of the inspection and the hearing and continued their probation.