DISPOSITION: February 15, 1947. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed or disposed of by the Marshal, as provided by law.

11930. Misbranding of canned peaches. U. S. v. Valley Packing Co. Plea of nolo contendere. Fine, $100. (F. D. C. No. 22038. Sample Nos. 25060–H, 25062–H.)

INFORMATION FILED: April 23, 1947, against the Valley Packing Co., a partnership, Atkins, Ark.

ALLEGED SHIPMENT: On or about September 13 and 14, 1946, from the State of Arkansas into the State of Louisiana.

LABEL, IN PART: "Big 3 Brand Yellow Freestone Whole Peaches In Light Syrup."

NATURE OF CHARGE: Adulteration (portion), Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of wormy fruit.

Misbranding (remainder), Section 403 (g) (2), the product failed to conform to the definition and standard of identity for canned peaches since it was labeled "Yellow Freestone Whole Peaches In Light Syrup," but was packed in water, and the product also included white freestone peaches. Further misbranding, Section 403 (h) (1), the product failed to conform to the standard of quality since more than 20 percent of the units in the container were blemished with discoloration or other abnormality, and all of the units were not untrimmed or so trimmed as to preserve normal shape; and it was not labeled to show that it was substandard.

DISPOSITION: June 16, 1947. A plea of nolo contendere having been entered, a fine of $100 was imposed.

11931. Misbranding of canned peaches. U. S. v. 100 Cases * * *. (F. D. C. No. 21947. Sample Nos. 54336–H, 54337–H.)

LIBEL FILED: December 10, 1946, Western District of North Carolina.

ALLEGED SHIPMENT: On or about October 12, 1946, by American Fresh and Frozen Foods, Inc., from Hamilton, Ga.

PRODUCT: 100 cases, each containing 24 1-pound, 13-ounce cans, of peaches at Charlotte, N. C.

LABEL, IN PART: (Can) "American Mixed Yellow Halves and Pieces of Irregular Size and Shape Freestone Peaches in Light Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the label of the article failed to bear, as required by regulations, the name of the optional packing medium present. The label bore the statement "Freestone Peaches in Light Syrup," whereas the article was packed in sirup designated as "slightly sweetened water" in the definition and standard. Further misbranding, Section 403 (h) (1), the article fell below the standard of quality prescribed for canned peaches since more than 20 percent of the units in the container were blemished with scab, discoloration, and broken pieces of pit, and all peach half-units of the article were not untrimmed, or were so trimmed as not to preserve normal shape; and the label failed to bear a statement that the article fell below the standard.

DISPOSITION: January 2, 1947. American Fresh and Frozen Foods, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be relabeled in compliance with the law, under the supervision of the Federal Security Agency.

DRIED FRUIT

11932. Adulteration of dried apricots. U. S. v. 119 Cases, etc. (F. D. C. No. 21877. Sample Nos. 62451–H, 62452–H.)

LIBEL FILED: December 30, 1946, Northern District of California.

ALLEGED SHIPMENT: On or about August 28, 1946, by the Maui Dry Goods and Grocery Co., Ltd., from Kahului, Hawaii. This was a return shipment by the consignee.

PRODUCT: 119 25-pound cases and 32 25-pound cases of dried apricots at San Francisco, Calif.