NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the article failed to conform to the definition and standard of identity for canned apricots, since its label failed to bear, as required by the regulations, the name of the optional packing medium present. The label bore the statement "in Medium Syrup," although the article was packed in sirup designated as "light sirup," in the standard.

DISPOSITION: May 1, 1947. Default decree of condemnation. The product was ordered delivered to charitable institutions.

12101. Misbranding of canned blackberries. U. S. v. 316 Cases * * *. (F. D. C. No. 22468. Sample No. 48727–H.)

LIBEL FILED: January 31, 1947, District of Colorado.

ALLEGED SHIPMENT: On or about August 25, 1946, by the Tyler-Simpson Co., from Norman, Okla.

PRODUCT: 316 cases, each containing 24 1-pound, 3-ounce cans, of blackberries at Denver, Colo. The product was packed in water.

LABEL, IN PART: "Sterling Brand Blackberries * * * Packed By Bridwell Canning Co. Marshfield, Mo."

NATURE OF CHARGE: Misbranding, Section 403 (i) (2), the article was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each ingredient since water was not declared.

DISPOSITION: February 14, 1947. The Marshfield Supply Co., Marshfield, Mo., 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 so that it would comply with the law, under the supervision of the Food and Drug Administration.

12102. Misbranding of canned peaches. U. S. v. 3,699 Cases * * *. (F. D. C. No. 22388. Sample Nos. 51496–H, 51700–H, 73368–H.)

LIBEL FILED: February 1, 1947, District of Minnesota.

ALLEGED SHIPMENT: On or about October 29 and 31 and November 6, 1946, by Colorado Flavor Products, Inc., from Palisade, Colo.

PRODUCT: 3,699 cases, each containing 6 6-pound, 7-ounce cans, of peaches at Minneapolis, Minn.

LABEL, IN PART: "Colo-Mesa Tree Ripened Halves Yellow Freestone Elberta Peaches Water Pack Packed and Distributed by Farmers Union Palisade Colorado."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the quality of the article fell below the standard by reason of the fact that it was in containers holding 20 or more peach units and more than 5 percent of the units were crushed and broken.

DISPOSITION: February 25, 1947. Colo-Flavor Products, Inc., Palisade, Colo., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be relabeled under the supervision of the Federal Security Agency.

12103. Misbranding of canned peaches. U. S. v. 65 Cases, etc. (F. D. C. No. 22246. Sample Nos. 64831–H, 64832–H, 64840–H, 64841–H.)

LIBEL FILED: February 4, 1947, District of New Jersey.

ALLEGED SHIPMENT: On or about July 23, 1946, by A. L. Ratner, from New York, N. Y.

PRODUCT: 65 cases, each containing 24 1-pound, 13-ounce cans, and 20 cases, each containing 24 1-pound, 12-ounce cans, of peaches at Jersey City, N. J.

LABEL, IN PART: "Russell's Fine Foods Yellow Freestone Halves Peaches [or "Castella Brand White Freestone Halves Peaches"] Distributed by Russell's Fine Foods Plant City, Florida."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned peaches, in that all units when tested in accordance with the method prescribed in the standard, could not be pierced by a weight of 300 grams; and all units of the article were not untrimmed or so trimmed as to preserve normal shape, since there was present in a portion of the article more than 1 square inch of peel per each 1 pound of