

net contents, and more than 20 percent of the units in the containers in a portion of the article were blemished with scab and worm cuts.

Further misbranding, Section 403 (a), the design of yellow halves of peaches which appeared on the label of the article in the 20-case lot, was misleading as applied to a product which consisted of halves of white peaches.

DISPOSITION: June 30, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

12104. Misbranding of canned peaches. U. S. v. 1,182 Cases, etc. (F. D. C. No. 22219. Sample Nos. 57626-H, 57638-H to 57642-H, incl.)

LIBELS FILED: January 29 and February 3, 1947, District of Rhode Island.

ALLEGED SHIPMENT: On or about October 19, 1946, by the Holleb Co., from Eau Claire, Mich.

PRODUCT: 1,254 cases, each containing 24 1-pound, 14-ounce cans, of peaches at Providence, R. I.

LABEL, IN PART: "Eau Claire Brand Halves Yellow Freestone Peaches in Heavy Syrup * * * Packed By Eau Claire Packing Co. Eau Claire, Mich."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the label of the article failed to bear, as required by the regulations, the name of the optional peach ingredient present and the name of the optional packing medium present. The label bore the statement "Halves Yellow Freestone Peaches in Heavy Syrup," whereas the article consisted of peeled, mixed peach pieces of irregular sizes and shapes and was packed in sirup designated as "Light Sirup," in the definition and standard.

Further misbranding, Section 403 (h) (1), the quality of the article fell below the standard for canned peaches, since more than 20 percent of the units in the container of the article were blemished with scab and bruises, and the label did not contain a statement that it fell below the standard.

DISPOSITION: March 21, 1947. The Eau Claire Packing Co., Eau Claire, Mich., claimant, having consented to the entry of a decree, judgment was entered ordering the product released under bond, conditioned that it be relabeled under the supervision of the Federal Security Agency.

12105. Misbranding of canned pears. U. S. v. 119 Cases * * *. (F. D. C. No. 22456. Sample Nos. 91914-H, 91951-H.)

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

ALLEGED SHIPMENT: On or about November 29, 1946, by the Paulus Brothers Packing Company, from Salem, Oreg.

PRODUCT: 119 cases, each containing 24 cans, of pears at Denver, Colo.

LABEL, IN PART: "Red Tag Bartlett Pear Halves in Heavy Syrup Net Weight 1 Lb. 13 Oz."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the article failed to conform to the definition and standard of identity of canned pears, since its label failed to bear, as required by the regulations, the name of the optional packing medium present. The article was packed in light sirup, but not in heavy sirup as represented on the label.

DISPOSITION: March 11, 1947. The 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 under the supervision of the Food and Drug Administration.

12106. Adulteration and misbranding of canned plums and misbranding of canned peaches. U. S. v. 69 Cases, etc. (and 6 other seizure actions). (F. D. C. Nos. 22380, 22500, 22528 to 22531, incl., 22566. Sample Nos. 39223-H, 40485-H, 69703-H, 69910-H, 69911-H, 69919-H, 73411-H, 73433-H, 73434-H.)

LIBELS FILED: Between the dates of January 17 and February 27, 1947, Northern District of Illinois, District of Minnesota, and Eastern District of Missouri.

ALLEGED SHIPMENT: Between the approximate dates of October 1 and November 12, 1946, by the Intermountain Foods Co., from Provo, Utah.

PRODUCT: 69 cases of canned peaches and 400 cases of canned plums at Chicago, Ill.; 365 cases of canned plums at Minneapolis, Minn.; and 318 cases of canned plums at St. Louis, Mo. Each case contained 24 1-pound, 13-ounce cans.