LABEL, IN PART: "Mellhorn Brand * * * Rocky Mountain Fancy Elberta Yellow Freestone Halves Peaches in Heavy Syrup Packed by Colorado Mountain Food Co. Provo, Utah," or "Mellhorn Brand * * * Rocky Mountain Whole [or "Fancy Whole"] Unpeeled Purple Plums in Medium [or "Heavy"] Syrup."

NATURE OF CHARGE: Canned peaches. Misbranding, Section 403 (a), the label statement "Fancy Elberta Yellow Freestone Halves Peaches" was false and misleading as applied to this article, which was not of fancy grade.

Canned plums. Adulteration, Section 402 (b) (2), sirup had been substituted in part for plums. Misbranding (1 lot), Section 403 (a), the label designation "Whole Unpeeled Purple Plums" was false and misleading as applied to small yellow plums.

DISPOSITION: Between the dates of March 24 and May 5, 1947. Holleb & Co. and the John F. Lalla Co., of Chicago, Ill., and the Intermountain Food Co., having appeared as claimants for the various lots and having consented to the entry of decrees, judgments of condemnation were entered. The products were ordered released under bond, conditioned that they be relabeled in compliance with the law, under the supervision of the Federal Security Agency.

12107. Adulteration of canned prunes. U. S. v. 383 Cases * * *. (F. D. C. No. 22603. Sample No. 62275-H.)

LIBEL FILED: March 5, 1947, District of Montana.

ALLEGED SHIPMENT: On or about December 14, 1946, by United Growers, Inc., from Salem, Oreg. The product was included in a pool car shipment and was invoiced by the Allen Fruit Co., Inc.

PRODUCT: 383 cases, each containing 6 6-pound, 8-ounce cans, of prunes at Billings, Mont.

LABEL, IN PART: "Allen Brand Oregon Prune Plums * * * Packed by Allen Fruit Co., Inc., Salem Oreg."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of rotten prunes.

DISPOSITION: April 17, 1947. Default decree of condemnation and destruction.

12108. Misbranding of canned Fruit Mix and canned peach halves. U. S. v. 310 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 22709, 22711. Sample Nos. 62587-H, 62589-H.)

LIBELS FILED: March 18, 1947, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about February 4, 1947, by Hunt Foods, Inc., from Oakland, Calif.

PRODUCT: 310 cases, each containing 24 1-pound, 14-ounce cans, of fruit labeled "Fruit Mix" and 919 cases, each containing 24 1-pound, 13-ounce cans, of fruit labeled "Peach Halves," at Philadelphia, Pa. The "Fruit Mix" failed to conform to the standard for fruit cocktail, and a portion of the product labeled "Peach Halves" consisted of fruit cocktail.

LABEL, IN PART: "Hunt's Fruit Mix in Heavy Syrup—Halved Cherries artificially colored red—Diced Yellow Cling Peaches, Diced Pears, Whole Seedless Grapes, and Halved Modified Cherries," or "Hunt's Yellow Cling Peach Halves in Heavy Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the lot labeled "Fruit Mix" purported to be canned fruit cocktail and failed to conform to the definition and standard of identity for fruit cocktail, since it contained, in the drained fruit, more than the maximum of pitted, peeled, and diced peaches (50 percent by weight) prescribed by the standard; it contained no pineapple, an ingredient specified in the standard, and the cherry ingredient was not cut into approximate halves, as required by the standard.

Further misbranding, Section 403 (a), the label designation "Yellow Cling Peach Halves in Heavy Syrup" on a portion of the cans of "Peach Halves" was false and misleading as applied to canned fruit cocktail.

DISPOSITION: June 5, 1947. Hunt Foods, Inc., Oakland, Calif., having appeared as claimant for both lots, judgments of condemnation were entered and the products were ordered released under bond, conditioned that they be relabeled to conform with the law, under the supervision of the Food and Drug Administration.