DISPOSITION: January 30, 1950. Chesebro, Robbins & Graham, Inc., New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and denaturing, or destruction, of the unfit portion, under the supervision of the Food and Drug Administration. Accordingly, 310 pounds were rejected as unfit.

FRUITS AND VEGETABLES

CANNED FRUIT

16275. Misbranding of canned cherries. U. S. v. 249 Cases * * *. (F. D. C. No. 28529. Sample No. 68708–K.)

LIBEL FILED: January 19, 1950, Southern District of New York.

ALLEGED SHIPMENT: On or about December 10, 1949, by the Washington Canners Coop., Vancouver, Wash.

PRODUCT: 249 cases, each containing 24 1-pound, 14-ounce cans, of cherries at New York, N. Y.

LABEL, IN PART: (Can) "Bestwest Select Fancy Pitted Dark Sweet Cherries In Extra Heavy Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label designation "Fancy" was false and misleading as applied to an article which contained excessive pits; and, Section 403 (h) (1), the product fell below the standard of quality established for canned pitted cherries since it contained more than one pit in each 20 ounces of canned cherries and its label failed to bear the statement that it fell below the standard.

DISPOSITION: April 27, 1950. The Washington Canners Coop., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond to be relabeled, under the supervision of the Food and Drug Administration.

16276. Misbranding of canned peaches. U. S. v. 500 Cases * * *. (F. D. C. No. 28701. Sample No. 63275–K.)

LIBEL FILED: January 31, 1950, District of Massachusetts.

ALLEGED SHIPMENT: On or about December 6, 1949, by the A. M. Beebe Co., San Francisco, Calif.

PRODUCT: 500 cases, each containing 24 1-pound, 13-ounce cans, of peaches at Boston, Mass.

LABEL, IN PART: (Can) "Halves Yellow Cling Elm Farm Peaches In Extra Heavy Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the product purported to be and was represented as canned peaches, a food for which a definition and standard of identity has been prescribed by regulations; and the labels on a portion of the product failed to bear, as required by the regulations, the name of the optional packing medium present since the labels bore the statement "In Extra Heavy Syrup," whereas a portion of the article was packed in light sirup.

DISPOSITION: March 8, 1950. The shipper having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for the separation and relabeling of the misbranded portion.