

PRODUCT: 398 cases, each containing 24 1-pound, 14-ounce cans, of peaches at Schenectady, N. Y.

LABEL, IN PART: "Van Curler Brand * * * Halves Elberta Peaches In Extra Heavy Syrup * * * Fancy Grade."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned peaches since it contained excessive peel and an excessive number of blemished peaches, and its label failed to bear the substandard legends; and, 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 its label failed to bear the name of the optional peach ingredient used, namely, yellow freestone.

Further misbranding, Section 403 (a), the label statement "Fancy Grade" was false and misleading since the product was below standard in quality.

DISPOSITION: June 19, 1952. The shipper, 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 Federal Security Agency.

VEGETABLES

18977. Adulteration of dried red beans. U. S. v. 10 Bags * * *. (F. D. C. No. 33392. Sample No. 36234-L.)

LIBEL FILED: June 12, 1952, Northern District of Ohio.

ALLEGED SHIPMENT: On or about January 23, 1952, from North Kansas City, Mo.

PRODUCT: 10 100-pound bags of dried red beans at Cleveland, Ohio, in possession of the National Terminal Warehouse.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent pellets and rodent hairs; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: July 25, 1952. Default decree of condemnation and destruction.

18978. Misbranding of fresh mushrooms. U. S. v. Caligiuri Brothers. Plea of guilty. Fine, \$100. (F. D. C. No. 32774. Sample Nos. 26231-L, 26662-L.)

INFORMATION FILED: April 22, 1952, against Caligiuri Brothers, a partnership, Avondale, Pa.

ALLEGED SHIPMENT: On or about December 6, 1951, and January 3, 1952, from the State of Pennsylvania into the State of New York.

LABEL, IN PART: (Baskets) "Medium Caligiuri Brothers Mushrooms 3 Lbs. Net."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents since the baskets contained less than the labeled "3 Lbs. Net."

DISPOSITION: May 15, 1952. A plea of guilty having been entered, the court imposed a fine of \$100.