20273. Misbranding of canned peaches. U. S. v. 58 Cases * * *. (F. D. C. No. 34571. Sample No. 29370–L.)

LIBEL FILED: February 5, 1953, Western District of Washington.

ALLEGED SHIPMENT: On or about April 4, 1951, by the A. M. Beebe Co., from San Francisco, Calif.

PRODUCT: 58 cases, each containing 24 1-pound, 13-ounce cans, of peaches at Seattle, Wash.

LABEL, IN PART: (Can) "Exposition Brand Yellow Freestone Peaches Mixed Pieces of Irregular Sizes and Shapes In Heavy Syrup Sliced Elbertas."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the article 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 label failed to bear, as required by the regulations, the name of the optional packing medium present in the article since the label bore the statement "In Heavy Syrup," whereas the article was packed in sirup designated as "Light Syrup" in the regulations.

DISPOSITION: May 28, 1953. The Alaco Preserving Co., Decoto, Calif., claimant, 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 relabeling under the supervision of the Department of Health, Education, and Welfare.

DRIED FRUIT

20274. Adulteration of dried apricots. U. S. v. 100 Cases, etc. (F. D. C. No. 34688. Sample Nos. 42221–L, 42222–L.)

LIBEL FILED: March 13, 1953, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about February 4, 1952, by the Richmond-Chase Co., from San Jose, Calif.

PRODUCT: 300 25-pound cases of dried apricots at Philadelphia, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, insect parts, and rodent excreta.

DISPOSITION: May 11, 1953. The shipper, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be reprocessed under the supervision of the Department of Health, Education, and Welfare. The product was reconditioned, with the result that 62 pounds were found unfit and were destroyed.

VEGETABLES

20275. Adulteration of celery. U. S. v. 432 Crates * * *. (F. D. C. No. 34437. Sample No. 36909–L.)

LIBEL FILED: On or about December 17, 1952, District of New Jersey.

ALLEGED SHIPMENT: On or about November 29, 1952, by the Handel Co., from Lodi, Calif.

PRODUCT: 432 crates, each containing 24 stalks, of celery at Newark, N. J.

LABEL, IN PART: (Crate) "Handel * * * California * * * Packed by Handel Co. Lodi, Calif."