

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

30651-30775

FOODS

[Approved by the Acting Secretary of Agriculture, Washington, D. C., October 6, 1939]

30651. Adulteration of prunes, dried peaches, and dried mixed fruits. U. S. v. 100 Cases of Dried Prunes, etc. Decree of condemnation. Product released under bond for segregation and destruction of unfit portions. (F. & D. Nos. 45308 to 45324, inclusive. Sample Nos. 51261-D to 51278-D, inclusive.)

These products had been shipped in interstate commerce by boat from Alameda, Calif., to Newark, N. J. At that port fire broke out in the hold of the ship and the products were substantially damaged by water. They were taken over by the underwriters and shipped to Philadelphia, Pa., at which place they were examined and were found to be in large part water-soaked and moldy. The shipment from Newark to Philadelphia in its adulterated condition was not made by nor under the direction of the original shipper.

On May 11, 1939, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,045 cases of dried fruits remaining in the original unbroken packages at Philadelphia, Pa.; alleging that the articles had been shipped on or about February 14, 1939, from Alameda, Calif., by the California Packing Corporation; and charging adulteration in violation of the Food and Drugs Act. The articles were labeled variously: "Large Size Prunes," "Del Monte Brand Medium size Santa Clara Prunes," "Relco Brand Mixed Fruit," "Gold Bar Brand Prunes Santa Clara," "Ensslen's Santa Clara Prunes," "Samore Brand Peaches," "Del Monte Brand Rcleaned Peaches," "Crest Brand Peaches," and "Sun-Kist Brand Extra Fancy Peaches."

Adulteration was alleged with respect to the peaches (Samore brand, Del Monte brand, Crest brand, and Sun-Kist brand) in that water had been mixed and packed with the article so as to reduce or lower its quality and had been substituted in whole or in part for the said article.

Adulteration was alleged with respect to the dried prunes and the mixed fruits of divers brands in that the articles consisted in whole or in part of filthy and decomposed vegetable substances.

On May 19, 1939, T. A. James & Co. having appeared as claimant, judgment of condemnation was entered, and the products were ordered released under bond conditioned that the good and usable portion be separated therefrom and that the unfit portion be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*