

## CANNED FRUITS AND VEGETABLES

**875. Adulteration of canned apricots. U. S. v. 1,000 Cases of Canned Apricots. Default decree of condemnation and destruction. (F. D. C. No. 1441. Sample No. 58348-D.)**

Samples of this product were found to contain insect larvae and other filth resulting from insect infestation.

On February 5, 1940, the United States attorney for the Western District of New York filed a libel against 1,000 cases of canned apricots at Rochester, N. Y., alleging that the article had been shipped in interstate commerce on or about January 18, 1940, by the Hemet Packing Co. from Hemet, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The cases containing the article were labeled in part: "Unlabeled Preheat Apricots \* \* \* For Manufacturing Purposes Only Not to be Resold."

On June 21, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**876. Adulteration of canned apricots. U. S. v. 1,250 Cases of Canned Apricots (and 4 other seizures of canned apricots). Default decree of condemnation and destruction. (F. D. C. Nos. 628, 1513, 1544, 1662, 1714. Sample Nos. 18558-D, 71353-D, 98685-D, 7036-E, 15002-E.)**

This product contained fragments of insects and insect larvae and other filth resulting from insect infestation.

Between September 22, 1939, and March 27, 1940, the United States attorneys for the Western District of New York, the District of Arizona, and the Eastern District of New York filed libels against 1,250 cases of canned apricots at Rochester, N. Y., 45 cases at Phoenix, Ariz., 31 cases at Brooklyn, N. Y., and 10 cases at Tucson, Ariz., alleging that the article had been shipped by Val Vita Food Products, Inc. On March 19, 1940, a libel was filed in the Southern District of Iowa against 93 cases of canned apricots at Des Moines, Iowa, which had been shipped by Val Vita Food Products, Inc. It was alleged in the libels that the article had been shipped in interstate commerce within the period from on or about July 15, 1939, to on or about January 16, 1940, from Fullerton, Calif., and that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Solid Pack Pre Heated Apricots"; or "Val Vita Brand Whole Apricots."

On June 1, 8, and 26, and July 2 and 26, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**877. Misbranding of canned apricots and peaches. U. S. v. 30 Cases of Canned Apricots and 40 Cases of Canned Peaches. Default decree of condemnation and destruction. (F. D. C. Nos. 985, 986, 987. Sample Nos. 58102-D, 58103-D, 58104-D.)**

These products were substandard—the apricots, because the fruit was not in unbroken halves but was crushed, ragged, and broken into small fragments and was excessively trimmed; and the peaches, because the fruit was not normally colored, normal-sized, or uniform but consisted of broken, crushed, ragged, and excessively trimmed halves and some cans contained sliced peaches instead of halves as indicated on the label.

On November 18, 1939, the United States attorney for the District of Arizona filed a libel against 30 cases of canned apricots and 40 cases of canned peaches at Tucson, Ariz., alleging that the articles had been shipped in interstate commerce on or about June 17, 1939, by Val Vita Food Products, Inc., from Fullerton, Calif.; and charging that they were misbranded. The articles were labeled in part: "Villa Var Brand Solid Pack Pie Apricots [or "Yellow Cling Peaches" or "Sliced Yellow Cling Peaches"]."

The articles were alleged to be misbranded in that they were canned foods and fell below the standard of quality and condition promulgated by the Secretary of Agriculture and their packages or labels did not bear plain and conspicuous statements prescribed by the Secretary of Agriculture indicating that they fell below such standard.

The peaches were alleged to be misbranded further in that the statements "Solid Pack Pie Yellow Cling Peaches," and the vignette of a dish of unbroken halves with respect to a portion, and the statement "Solid Pack Pie Sliced Yellow Cling Peaches" and the vignette of a dish of sliced peaches with respect to the remainder were false and misleading as applied to substandard peaches, some of the cans in the former instances containing sliced peaches in-