

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-

stead of halves and some of the cans in the latter instance containing halves instead of slices.

On February 5, 1940, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

878. Adulteration and misbranding of canned peas. U. S. v. 325 Cases of Peas. Decree of condemnation. Product ordered released under bond to be re-labeled. (F. D. C. No. 1519. Sample No. 88105-D.)

This product was canned soaked dry peas and not early June peas as labeled.

On February 23, 1940, the United States attorney for the District of Maryland filed a libel against 325 cases of canned peas at Thurmont, Md., alleging that the article had been shipped in interstate commerce on or about January 29, 1940, by Greenspan Bros. from Perth Amboy, N. J.; and charging that it was adulterated and misbranded. This shipment included goods, originally shipped to Greenspan Bros., which were returned to the packer, the Frederick City Packing Co., by direction of the broker for the latter firm. The article was labeled in part: "Richland Brand Early June Peas Packed by Frederick City Packing Co. Frederick, Maryland."

It was alleged to be adulterated in that soaked dry peas had been substituted wholly or in part for early June peas.

The article was alleged to be misbranded in that the statement on the label, "Early June Peas," and the design of peas in pods were false and misleading since the article was soaked dry peas.

On March 27, 1940, judgment of condemnation was entered and it was ordered that the product be released under bond to the claimant, conditioned that it be relabeled under the supervision of the Food and Drug Administration.

879. Adulteration of canned sweetpotatoes. U. S. v. 33 Cartons of Canned Sweetpotatoes. Default decree of condemnation and destruction. (F. D. C. No. 1362. Sample No. 83985-D.)

Examination showed this product to be decomposed.

On January 17, 1940, the United States attorney for the Western District of Washington filed a libel against 33 cartons, each containing 6 No. 10 cans, of sweetpotatoes at Tacoma, Wash., alleging that the article had been shipped in interstate commerce on or about June 19, 1939, by A. W. Sisk & Son from Preston, Md.; and charging that it was adulterated. The shipment was made by George A. Bounds & Co. from Hebron, Md., in the name of A. W. Sisk & Son of Preston, Md., the latter firm acting as brokers in the transaction. The article was labeled in part: "I & M Brand Sweet Potatoes Packed by Insley & Mitchell Salisbury, Md."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy, putrid, and decomposed substance.

On April 4, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

TOMATOES AND TOMATO PRODUCTS

880. Adulteration and misbranding of canned tomatoes. U. S. v. 697 Cases of Canned Tomatoes. Default decree of condemnation and destruction. (F. D. C. No. 1126. Sample No. 72856-D.)

This product contained worms, insect fragments, and excessive mold. It was also falsely branded as to the name of the manufacturer and place of manufacture.

On December 5, 1939, the United States attorney for the Eastern District of New York filed a libel against 697 cases of canned tomatoes at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about November 4, 1939, by the Riverbank Canning Co. from Riverbank, Calif.; and charging that it was adulterated and misbranded. It was labeled in part: (Cans) "Diana Brand Tomatoes with Puree from Trimmings California Packed and Guaranteed by Zerillo and La Fata Healdsburg California."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed substance.

It was alleged to be misbranded in that the statement "Packed and Guaranteed by Zerillo and La Fata Healdsburg, California" was false and misleading since the goods were not packed by Zerillo & La Fata at Healdsburg, Calif.