

CANNED FRUITS

4179. Adulteration of canned blackberries. U. S. v. Paulus Bros. Packing Co. Plea of guilty. Fine, \$1,500. (F. D. C. No. 7665. Sample Nos. 72139-E, 79189-E.)

Examination of this product showed the presence of decomposed berries.

On August 27, 1942, the United States attorney for the District of Oregon filed an information against Paulus Bros. Packing Co., a corporation, Salem, Ore., alleging shipment on or about November 26, 1941, and February 4, 1942, from the State of Oregon into the States of California and Tennessee of quantities of canned blackberries which were adulterated in that they consisted in whole or in part of decomposed substances. The article was labeled in part: "Crater Blue Water Pack Blackberries," or "White Tag Water Blackberries."

On September 29, 1942, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$1,500.

4180. Adulteration of canned blackberries. U. S. v. Max Gehlar (Oregon Fruit Products Co.) (F. D. C. No. 7197. Sample Nos. 60494-E, 73000-E.)

On July 13, 1942, the United States attorney for the District of Oregon filed an information against Max Gehlar, trading as the Oregon Fruit Products Co., Salem, Oreg., alleging shipment in the period from on or about September 13, 1941, to January 2, 1942, from the State of Oregon into the State of California of quantities of canned blackberries which were adulterated in that they consisted in whole or in part of decomposed substances. The article was labeled in part: "O. F. P. Brand Water Packed Blackberries."

On October 13, 1942, a plea of nolo contendere was entered and the court imposed a fine of \$300.

4181. Adulteration of canned blackberries and canned cherries. U. S. v. Washington Packers, Inc. Plea of nolo contendere. Fine, \$350. (F. D. C. No. 7225. Sample Nos. 61065-E, 61539-E, 61543-E, 61579-E, 61580-E.)

On August 25, 1942, the United States attorney for the Western District of Washington filed an information against the Washington Packers, Inc., Sumner, Wash., alleging shipment within the period from on or about August 19, to on or about October 13, 1941, from the State of Washington into the Territory of Hawaii, and the States of California and Pennsylvania, of quantities of canned blackberries and canned cherries that were adulterated. The articles were labeled in part: (Cans) "Inavale Brand * * * Water Pack Cultivated Blackberries"; or "Fruitfull Brand [or "Inavale Brand"] * * * Pitted Red Tart Cherries."

The canned blackberries were alleged to be adulterated in that they contained moldy and decomposed blackberries; the canned cherries in that they contained maggots.

On September 28, 1942, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$350.

4182. Misbranding of canned cherries. U. S. v. 121 Cases of Canned Cherries. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 7804. Sample No. 88181-E.)

On June 29, 1942, the United States attorney for the Northern District of Texas filed a libel against 121 cases, each case containing 6 cans, of cherries at Dalhart, Tex., alleging that the article had been shipped in interstate commerce on or about February 10, 1942, by Ray A. Ricketts Co. from Canon City, Colo.; and charging that it was misbranded. The article was labeled in part: (Cans) "San Luis Red Sour Pitted Cherries Water Pack Contents 6 Lbs. 9 Ozs."

The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law and its quality fell below such standard, since more than 1 pit was present in each 20 ounces of canned cherries, namely, 1.24 pits per 20 ounces average, and its label did not bear, in such manner and form as such regulations specify, a statement that it fell below such standard.

On October 12, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. On October 23, 1942, an amendment to the decree was filed ordering the product delivered to a charitable institution.

4183. Misbranding of canned cherries. U. S. v. 61 Cases of Canned Cherries. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 8353. Sample No. 21243-F.)

On September 17, 1942, the United States attorney for the Western District of Pennsylvania filed a libel against 61 cases, each case containing 24 cans, of

cherries at Bradford, Pa., alleging that the article had been shipped in interstate commerce on or about August 19, 1942, by the Brocton Preserving Co., Inc., from Brocton, N. Y.; and charging that it was misbranded. The article was labeled in part: (Cans) "Chautauqua Lake Brand Red Pitted Cherries."

The article was alleged to be misbranded in that it purported to be and was represented as a food for which a definition and standard of identity had been prescribed by regulations promulgated pursuant to law and its label failed to bear the name of the food specified in such definition and standard, as amended, namely, "Red Sour" or "Red Tart." The article was alleged to be misbranded further in that it purported to be and was represented as a food for which a standard of quality had been prescribed by regulations promulgated pursuant to law and its quality fell below such standard since more than 1 pit was present in each 20 ounces of canned cherries, and its label failed to bear, in such manner and form as the regulations specify, a statement that it fell below such standard.

On October 15, 1942, the Brocton Preserving Co., Inc., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

4184. Adulteration of canned peaches. U. S. v. 81 Cases of Canned Peaches. Default decree of condemnation and destruction. (F. D. C. No. 8041. Sample No. 25642-F.)

Examination of this product showed the presence of worm-eaten and worm-infested peaches.

On August 5, 1942, the United States attorney for the Middle District of Alabama filed a libel against 81 cases, each containing 24 cans, of peaches at Montgomery, Ala., alleging that the article had been shipped in interstate commerce on or about July 16, 1942, by Bankston-Edwards Canning Co. from Zebulon, Ga.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: (Cans) "Becco Brand, Contents 1 lb. 12 ozs. White Freestone Peaches."

On September 9, 1942, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed by feeding it to the hogs of a local prison.

4185. Misbranding of canned peaches. U. S. v. 98 Cases of Canned Peaches. Default decree of condemnation and destruction. (F. D. C. No. 8054. Sample No. 93825-E.)

On August 7, 1942, the United States attorney for the Western District of Washington filed a libel against 98 cases, each case containing 24 cans, of peaches at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about June 19, 1942, by Harcourt Greene Co. from Decoto, Calif.; and charging that it was misbranded. The article was labeled in part: (Cans) "Malibu Whole Peeled Yellow Freestone Peaches * * * Packed by Jos. Pearce Canning Co., Decoto, Calif."

The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law but its quality fell below such standard because more than one unit in each can had been crushed or broken and the peaches were badly disintegrated and its label failed to bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On October 28, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

CANNED VEGETABLES

4186. Misbranding of canned peas. U. S. v. Herman B. Herschkowitz and Jack Herschkowitz (Herschkowitz Bros. & Lowenthal). Plea of guilty. Each defendant fined \$100. (F. D. C. No. 2875. Sample Nos. 10488-E, 10489-E.)

On September 18, 1942, the United States attorney for the Southern District of New York filed an information against Herman B. Herschkowitz and Jack Herschkowitz, trading as Herschkowitz Bros. & Lowenthal, at New York, N. Y., alleging that within the period from December 20, 1939, to April 4, 1940, the defendants received from W. H. Roberts & Co., Baltimore, Md., certain unlabeled cans of food contained in cases labeled "Herschkowitz Bros., New York Soaked Peas"; that thereafter and between the dates aforesaid and while the article was held for sale after shipment in interstate commerce, the defendants, at New York, N. Y., unlawfully affixed and caused to be affixed to a number of the cans containing such food a label which contained, among others, the following statement and design: "Faust