

FRUITS AND VEGETABLES

CANNED FRUIT

5016. Misbranding of canned pears. U. S. v. 198 Cases and 300 Cases of Canned Pears. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. Nos. 9508, 9509. Sample Nos. 14621-F, 19188-F, 19190-F.)

On or about March 8 and 9, 1943, the United States attorneys for the Southern District of New York and the District of New Jersey filed libels against 198 cases, each containing 24 cans, of pears at New York City, N. Y., and 300 cases, each containing 24 cans, of pears at Jersey City, N. J., alleging that the article had been shipped in interstate commerce on or about January 16, 1943, by the Pure Foods Corporation from Los Angeles, Calif., to New York, N. Y., and that a part had been reshipped to Jersey City, N. J.; and charging that it was misbranded. The article was labeled in part: (Cans) "Golden Flow Brand Sliced Bartlett Pears."

The article was alleged to be misbranded (1) in that it 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 in that it failed to meet the test for tenderness established by the standard; and (2) its label failed to bear a statement that its quality fell below such standard.

On April 2 and 12, 1943, Pablo A. Font and Luis F. Font, doing business as Font & Co., New York, N. Y., having appeared as claimants and having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

5017. Misbranding of canned pears. U. S. v. 485 Cases of Canned Pears. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 9382. Sample No. 19156-F.)

On February 20, 1943, the United States attorney for the Eastern District of New York filed a libel against 485 cases, each containing 24 cans, of pears at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about February 2, 1943, by Clement Pappas & Co., from Cedarville, N. J.; and charging that it was misbranded. The article was labeled in part: (Cans) "Pappas Brand U.S.A. * * * Halves Kieffer Pears."

The article was alleged to be misbranded 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, but its quality fell below such standard with respect to uniformity of trim, tenderness, and freedom from blemishes, and its label failed to bear, in such manner and form as the standard specifies, a statement that it fell below such standard.

On June 9, 1943, Clement Pappas & Co. having appeared as claimant and having admitted the allegations of the libel and 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.

FRESH FRUIT

5018. Adulteration of apples. U. S. v. 812 Boxes of Apples. Consent decree of condemnation. Product ordered released under bond for reconditioning. (F. D. C. No. 9561. Sample No. 14734-F.)

On February 17, 1943, the United States attorney for the Southern District of California filed a libel against 812 boxes of apples at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about January 13, 1943, by the Fruit Growers Service Co., Inc., from Wenatchee, Wash.; and charging that it was adulterated in that it contained an added poisonous or deleterious substance, arsenic and/or lead, which might have rendered it injurious to health. The article was labeled in part: "Fancy Delicious Boy Blue Brand."

On March 11, 1943, the Angelus Fruit & Produce Co. of Los Angeles, Calif., having appeared as claimant and having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for reconditioning under the supervision of the Food and Drug Administration.

FROZEN FRUIT

5019. Adulteration of frozen strawberries. U. S. v. Samuel Alston Moffett (S. A. Moffett Co.). Plea of guilty. Fine, \$100 on count 1, \$200 fine on each of the remaining 2 counts of the information, and costs. (F. D. C. No. 8802. Sample Nos. 14301-F, 15296-F, 19749-F, 92121-F.)

On July 30, 1943, the United States attorney for the Western District of Washington filed an information against Samuel Alston Moffett, trading as the S. A.