

FRUITS AND VEGETABLES

CANNED AND DRIED FRUIT

5708. Adulteration of canned blueberries. U. S. v. 350 Cases and 188 Cases of Canned Blueberries. Consent decree of condemnation. Product ordered released under bond for segregation of the fit from the unfit portion. (F. D. C. Nos. 10860, 10940. Sample Nos. 37347-F, 37354-F.)

On October 1 and 14, 1943, the United States attorney for the District of Maryland filed libels against 538 cases, each containing 6 cans, of blueberries at Baltimore, Md., alleging that the article had been shipped on or about August 23, 1943, by G. M. Allen & Son from Ellsworth and North Sedgwick, Maine; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance because of the presence of maggots. The article was labeled in part: (Can) "Allen's Blueberries."

On November 12, 1943, Roy Allen, North Sedgwick, Maine, having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond for segregation of the fit from the unfit portion under the supervision of the Food and Drug Administration. The unfit portion was destroyed and the remainder released to the claimant.

5709. Adulteration of dried cherries. U. S. v. West Coast Fruit Co., Harry T. Larsen, Springbrook Packing Co. Cooperative and Victor Rees. Pleas of guilty. Total fines, \$55. (F. D. C. No. 9694. Sample Nos. 18846-F, 18847-F.)

On October 23, 1943, the United States attorney for the District of Oregon filed an information against the West Coast Fruit Co., a corporation, Springbrook, Oreg., and Harry T. Larsen, president of that company, and the Springbrook Packing Co. Cooperative, a corporation, at Springbrook, Oreg., and Victor Rees, manager of the latter corporation, alleging shipment on or about September 15, 1942, from the State of Oregon into the State of New York of a quantity of dried cherries. The article was labeled in part: "Dried Black Cherries Unpitted."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed substance by reason of the presence therein of rodent-like hairs, insects, worm fragments, insect fragments, mites, larva, and fruit containing rotten spots and mold.

On January 11, 1944, the defendants having entered pleas of guilty, the court imposed fines of \$30 upon the West Coast Fruit Co., \$10 upon Harry Larsen, \$14 upon the Springbrook Packing Co. Cooperative, and \$1 upon Victor Rees, a total of \$55.

5710. Misbranding of canned cherries. U. S. v. 34 Cases of Canned Cherries (and 3 other seizure actions against canned cherries). Decree of condemnation entered against 1 lot, and orders entered with respect to all lots releasing the product under bond for relabeling. (F. D. C. Nos. 10747, 10748, 10962, 11728. Sample Nos. 16089-F, 16091-F to 16093-F, incl., 36696-F, 42877-F.)

On September 18 and October 20, 1943, and January 28, 1944, the United States attorney for the District of Idaho filed libels against the following quantities of canned cherries: 527 cases at Twin Falls, Idaho, 218 cases at Boise, Idaho, and 104 cases at Pocatello, Idaho, alleging that the article had been shipped in interstate commerce within the period from on or about August 7 to 20, 1943, by the Perry Canning Co. from Perry, Utah; and charging that it was misbranded. It was labeled in part: (Cans) "Nation's Garden Brand * * * Red Sour Pitted Cherries. Packed for Fine Foods, Inc., Seattle Minneapolis," "Gateway Brand Sour Pitted Red Cherries," or "Mountain Made Sour Pitted Red Cherries."

The article was alleged to be misbranded in that it purported to be and was represented as canned cherries (red sour pitted), a food for which a standard of quality has been prescribed by regulations promulgated pursuant to law, but its quality fell below the standard since more than 1 pit was present in each 20 ounces of the article, as determined by the method prescribed in the regulations, and its label failed to bear, in such manner and form as the regulations specify, a statement that it fell below the standard; and (34 cases and 293 cases) in that it purported to be and was represented as a food for which a standard of fill of container has been prescribed by the regulations, but it fell below the standard since there was not present in the container the maximum quantity of the cherry ingredient which could be sealed in the container and processed by heat to prevent spoilage, without crushing such