

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

ingredient, and its label failed to bear, in such manner and form as such regulations specify, a statement that it fell below the standard.

On October 1 and November 8, 1943, the Perry Canning Co. having appeared as claimant for the lots at Twin Falls and Boise, and the libel proceedings against the lots at Twin Falls having been consolidated, orders were entered releasing the product under bond for sorting, repacking, and relabeling. On February 14, 1944, the Perry Canning Co., claimant, having admitted the allegations of the libel against the lot at Pocatello, judgment of condemnation was entered and the product was ordered released under bond to be relabeled in conformance with the law.

5711. Misbranding of canned cherries. U. S. v. 104 Cases of Canned Cherries. Product ordered released under bond to be sorted, repacked, and relabeled. (F. D. C. No. 10783. Sample No. 36158-F.)

On September 16, 1943, the United States attorney for the District of Idaho filed a libel against 104 cases of canned cherries at Twin Falls, Idaho, alleging that the article had been shipped in interstate commerce on or about August 6, 1943, by the John Scowcroft and Sons Co. from Ogden, Utah; and charging that it was misbranded. It was labeled in part: (Cans) "Kitchen King Brand * * * Red Sour Pitted 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 such standard since more than 1 pit was present in each 20 ounces 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 such standard.

On October 1, 1943, the Perry Canning Company having appeared as claimant, the product was ordered released under bond to be sorted, repacked, and relabeled under Federal supervision.

5712. Misbranding of canned pears. U. S. v. 74 Cases of Canned Pears. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 11230. Sample No. 29699-F.)

This product was packed in light sirup and not heavy sirup, as declared on the label.

On December 6, 1943, the United States attorney for the Southern District of New York filed a libel against 74 cases, each containing 24 cans, of pears at Kingston, N. Y., alleging that the article had been shipped on or about November 4, 1943, from Campbell, Calif., by the Drew Canning Co.; and charging that it was misbranded. The article was labeled in part: (Cans) "Cheerio Brand Halves Bartlett Pears in Heavy Syrup * * * Distributed By F. B. Matthews & Co., Inc. Kingston, N. Y."

The article was alleged to be misbranded in that the statement on its label "in Heavy Syrup" was false and misleading as applied to canned pears packed in sirup designated in the regulations as "light sirup."

On June 9, 1944, the Drew Canning Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Federal Security Agency.

5713. Misbranding of canned pears. U. S. v. 282 Cases of Canned Pears. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 10734. Sample No. 11947-F.)

On September 13, 1943, the United States attorney for the Western District of Oklahoma filed a libel against 282 cases, each containing 24 cans, of pears at Oklahoma City, Okla., alleging that the article had been shipped in interstate commerce on or about August 19, 1943, by the A. M. Beebe Co. from San Francisco, Calif.; and charging that it was misbranded. It was labeled in part: (Cans) "Nickey Halves in Water Bartlett Pears * * * Distributed by Chevy Chase Co. San Jose, Calif."

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 has been prescribed by regulations promulgated pursuant to law, and its quality fell below the standard since all units were not untrimmed or trimmed as to preserve normal shape, and more than 10 percent, in some cans, were crushed or broken, whereas the standard of quality for pears prescribed by the regulations provides that all