

**5894. Adulteration of frozen shrimp. U. S. v. 3 Boxes of Frozen Shrimp. Default decree of condemnation and destruction. (F. D. C. No. 11272. Sample No. 56689-F.)**

**LABEL FILED:** December 11, 1943, Southern District of New York.

**ALLEGED SHIPMENT:** On or about September 4, 1943, by the Louis Crab Factory, Brunswick, Ga.

**PRODUCT:** 3 boxes, containing approximately 289 pounds, of frozen shrimp at New York, N. Y.

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

**DISPOSITION:** January 5, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

## FRUITS AND VEGETABLES\*

### CANNED FRUIT

**5895. Misbranding of canned cherries. U. S. v. 11 Cases and 50 Cases of Canned Cherries. Consent decrees of condemnation. Product ordered released under bond to be relabeled. (F. D. C. Nos. 12261, 12341. Sample Nos. 58392-F, 69616-F.)**

**LABELS FILED:** April 27 and May 12, 1944, District of New Mexico.

**ALLEGED SHIPMENT:** On or about September 20, 1943, by the Azar Wholesale Grocery Co., Trinidad, Colo.

**PRODUCT:** 61 cases, each containing 24 cans, of cherries at Raton and Santa Fe, N. Mex.

**LABEL, IN PART:** (Cans) "Town Talk Red Sour Pitted Cherries in Water \* \* \* Packed By The Delta County Canning Co. Delta, Colo."

**VIOLATION CHARGED:** Misbranding, Section 403 (h) (1), in that the product 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, and its label failed to bear, in such manner and form as the regulations specify, a statement that it fell below the standard.

**DISPOSITION:** May 29, 1944. Delta Canning Co., Delta Colo., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

**5896. Misbranding of olives. U. S. v. 574 Cases of Green Olives. Decree of condemnation. Product released under bond for relabeling. (F. D. C. No. 11135. Sample No. 29769-F.)**

**LABEL FILED:** November 23, 1943, Southern District of Texas.

**ALLEGED SHIPMENT:** On or about October 27, 1943, by the Globe Sales Co., Inc., San Francisco, Calif.

**PRODUCT:** 574 cases, each containing 48 jars, of olives at Houston, Tex.

**LABEL, IN PART:** (JARS) "Valley Bloom California Green Olives Contents 7 Oz. Avoir.—Drained Wt. 4¼ oz."

**VIOLATIONS CHARGED:** Misbranding, Section 403 (a), in that the statement, "Contents 7 Oz. Avoir.—Drained Wt. 4¼ oz.," appearing in the labeling, was false and misleading as applied to an article that was short-weight; and, Section 403 (e) (2), in that the product was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

**DISPOSITION:** January 28, 1944. The claimant having admitted the allegations of the libel, judgment of condemnation was entered and the product was released under bond for relabeling under the supervision of the Food and Drug Administration.

**5897. Misbranding of canned pears. U. S. v. 948 Cases and 299 Cases of Canned Pears. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 11100. Sample Nos. 4135-F, 4136-F.)**

**LABEL FILED:** November 12, 1943, Southern District of Ohio.

\*See also Nos. 5802, 5804, 5805, 5829.

**ALLEGED SHIPMENT:** On or about September 30, 1943, by the Mel Williams Co., Sonoma, Calif.

**PRODUCT:** 1,247 cases, each containing 24 cans, of pears at Cincinnati, Ohio.

**LABEL, IN PART:** (Cans) "Bungalow Brand Pieces Irregular Sizes in Heavy Syrup Bartlett Pears [or "Dawn O'Day Brand Pieces Irregular Sizes in Heavy Syrup California Bartlett Pears"] \* \* \* Valley Canning Co. Sonoma, California Packers."

**VIOLATIONS CHARGED:** Misbranding, Section 403 (a), the statement "in Heavy Syrup," appearing on the label of the article, was false and misleading as applied to canned pears packed in sirup designated as "light syrup" in the regulations; and, Section 403 (g) (2), the product purported to be and was represented as a food for which a definition and standard of identity has been prescribed by regulations, and it failed to conform to the definition and standard since its label failed to bear the name of the optional pear ingredient, "Mixed Pieces of Irregular Sizes and Shapes," present in the food.

**DISPOSITION:** January 4, 1944. The Mel Williams Co., claimant, having admitted the facts in the libel, judgment of condemnation was entered. The product was ordered released under bond to be relabeled in accordance with the law under the supervision of the Food and Drug Administration.

#### DRIED FRUIT

**5898. Adulteration of dates. U. S. v. 196 Flats of Dates. Default decree of condemnation and destruction.** (F. D. C. No. 11445. Sample No. 58439-F.)

**LIBEL FILED:** December 16, 1943, District of Columbia.

**ALLEGED SHIPMENT:** On or about October 24, 1943, by the Paramount Fruit Export Co., Thermal, Calif.

**PRODUCT:** 196 15-pound flats of dates at Washington, D. C.

**LABEL, IN PART:** "Coachella Valley \* \* \* Tasty Dates \* \* \* Heggblade Marguleas Co. San Francisco."

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance by reason of the presence of insect excreta and moldy and yeasty dates.

**DISPOSITION:** January 24, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**5899. Adulteration of raisins. U. S. v. 18 Boxes of Raisins. Default decree of condemnation and destruction.** (F. D. C. No. 11460. Sample No. 47716-F.)

**LIBEL FILED:** December 17, 1943, Eastern District of Missouri.

**ALLEGED SHIPMENT:** On or about May 26, 1943, by the West Coast Growers & Packers, Dinuba, Calif.

**PRODUCT:** 18 25-pound boxes of raisins at St. Louis, Mo.

**LABEL, IN PART:** "Wesco Brand California Choice Thompson Seedless Raisins."

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, larvae, insect fragments, and insect excreta.

**DISPOSITION:** January 12, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**5900. Adulteration of raisins. U. S. v. 42 Cartons of Raisins. Default decree of condemnation and destruction.** (F. D. C. No. 11461. Sample No. 47714-F.)

**LIBEL FILED:** December 17, 1943, Eastern District of Missouri.

**ALLEGED SHIPMENT:** On or about June 11, 1943, by the Rosenberg Bros. & Co., Fresno, Calif.

**PRODUCT:** 42 30-pound cartons of raisins at St. Louis, Mo.

**LABEL, IN PART:** "Iris Brand California Thompson Seedless Raisins."

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, larvae, insect fragments, and insect excreta.

**DISPOSITION:** January 13, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.