

5905. Adulteration of apples. U. S. v. 29 Bushels of Apples. Default decree of condemnation and destruction. (F. D. C. No. 11040. Sample No. 47109-F.)

LIBEL FILED: October 15, 1943, Northern District of Illinois.

ALLEGED SHIPMENT: September 28, 1943, by Piper & Ellis, Bangor, Mich.

PRODUCT: 29 bushels of apples at Chicago, Ill.

LABEL, IN PART: "Michigan Apples Jonathan U. S. Fancy Harry Wakeman, Bangor, Mich."

VIOLATION CHARGED: Adulteration, Section 402 (a) (1), the apples contained an added poisonous or deleterious substance, lead, which might have rendered them injurious to health.

DISPOSITION: December 22, 1943. No claim having been entered, the product was condemned and ordered destroyed.

5906. Adulteration of apples. U. S. v. 29 Bushels of Apples. Default decree of condemnation and destruction. (F. D. C. No. 11116. Sample No. 47147-F.)

LIBEL FILED: October 19, 1943, Northern District of Illinois.

ALLEGED SHIPMENT: October 4, 1943, by Carl Hoyer, Bangor, Mich.

PRODUCT: 29 bushels of apples at Chicago, Ill.

VIOLATION CHARGED: Adulteration, Section 402 (a) (1), the apples contained an added poisonous or deleterious substance, lead, which might have rendered them injurious to health.

DISPOSITION: December 22, 1943. No claim having been entered, the product was condemned and ordered destroyed.

5907. Adulteration of apples. U. S. v. 355 Boxes of Apples. Consent decree of condemnation. Product ordered released under bond to be brought into compliance with the law. (F. D. C. No. 11119. Sample No. 55244-F.)

LIBEL FILED: On or about October 15, 1943, District of Oregon.

ALLEGED SHIPMENT: September 24, 1943, by the Oneonta Trading Corporation, Wenatchee, Wash.

PRODUCT: 355 boxes of apples at Portland, Oreg.

LABEL, IN PART: "Combination Ex. Fancy & Fancy * * * Jonathan Race * * * Packed by Wenatchee Growers Inc., Wenatchee, Wash.," or "Grown by Wenatchee Wagner Orchards Wenatchee, Wash."

VIOLATION CHARGED: Adulteration, Section 402 (a) (1), the product contained added poisonous or deleterious substances, lead and arsenic, which might have rendered it injurious to health.

DISPOSITION: October 19, 1943. Wenatchee Growers, Inc., claimant, having entered a consent decree of condemnation, the product was released under bond to be reconditioned under the supervision of the Food and Drug Administration. The product was washed in order to remove the excess spray residue.

5908. Adulteration of apples. U. S. v. 10 Bushels of Apples. Default decree of condemnation. Product ordered delivered to the Food and Drug Administration. (F. D. C. No. 11473. Sample No. 38996-F.)

LIBEL FILED: November 17, 1943, Northern District of Illinois.

ALLEGED SHIPMENT: November 8, 1943, from Lacota, Mich., by S. J. Piraino.

PRODUCT: 10 bushels of apples at Chicago, Ill.

VIOLATION CHARGED: Adulteration, Section 402 (a) (1), the product contained an added poisonous or deleterious substance, lead, which might have rendered it injurious to health.

DISPOSITION: February 7, 1944. No claim having been entered, the product was condemned and ordered delivered to the Food and Drug Administration for experimental purposes.

5909. Adulteration of apples. U. S. v. 23 Crates of Apples. Default decree of condemnation and destruction. (F. D. C. No. 10984. Sample Nos. 46806-F, 47040-F.)

LIBEL FILED: October 7, 1943, Northern District of Illinois.

ALLEGED SHIPMENT: September 28, 1943, by F. Noble, doing business as the Fennville Fruit Exchange, Fennville, Mich.

PRODUCT: 23 crates of apples at Elmhurst, Ill.

VIOLATION CHARGED: Adulteration, Section 402 (a) (1), the product contained an added poisonous or deleterious substance, lead, which might have rendered it injurious to health.

DISPOSITION: December 12, 1943. No claim having been entered, the product was condemned and ordered destroyed.

5910. Adulteration of huckleberries. U. S. v. 37 Crates of Huckleberries. Default decree of condemnation and destruction. (F. D. C. No. 11295. Sample Nos. 58447-F to 58451-F, incl.)

LABEL FILED: December 11, 1943, District of Columbia.

PRODUCT: 37 crates, each containing 24 quarts, of huckleberries at the Terminal Refrigerating and Warehousing Corporation, to the account of the Statler Hotel, Washington, D. C.

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 maggots.

DISPOSITION: January 28, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

FROZEN FRUITS AND FRUIT PRODUCTS

5911. Adulteration and misbranding of frozen blackberries. U. S. v. Millard F. Combs and Z. Vance Combs (M. F. Combs Co.) Pleas of nolo contendere. Fines \$400 and costs. (F. D. C. No. 10571. Sample Nos. 9936-F, 10212-F, 12043-F, 12044-F.)

INFORMATION FILED: November 11, 1943, Western District of Washington, against Millard F. Combs and Z. Vance Combs, trading as partners under the name M. F. Combs Co., at Puyallup and Tacoma, Wash.

ALLEGED SHIPMENT: From on or about November 25, 1942, to February 8, 1943, from the State of Washington into the States of Louisiana and California.

LABEL, IN PART: (Barrels) "Straight Blackberries * * * Washington Brand."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), water had been substituted in part for straight blackberries.

Misbranding, Section 403 (a), the statement "Straight Blackberries," borne on the barrels, was false and misleading since the article did not consist solely of blackberries, but consisted in part of added water.

DISPOSITION: December 18, 1943. Pleas of nolo contendere were entered and each defendant was fined \$200 and costs.

5912. Adulteration of frozen cherries. U. S. v. 123 Cans and 37 Cans of Frozen Cherries. Consent decree of condemnation. Product ordered released under bond for use for fermentation or distillation purposes. (F. D. C. No. 11049. Sample Nos. 29753-F, 29754-F.)

LABEL FILED: November 3, 1943, Northern District of California.

ALLEGED SHIPMENT: August 30, 1943, by the Loveland Canning Corporation, Denver, Colo.

PRODUCT: A total of 160 cans of frozen cherries at San Francisco, Calif.

LABEL, IN PART: "Montmorency R. S. P. Cherries."

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

DISPOSITION: April 13, 1944. A default decree of condemnation and destruction was ordered; on June 15, 1944, the default decree was vacated and a consent decree was entered condemning the product but providing for its release, under bond, to the C. Shilling Co., claimant, for fermentation or distillation purposes, under the supervision of the Food and Drug Administration.

5913. Adulteration of frozen fig puree (frozen crushed figs) and frozen sweetened crushed figs. U. S. v. 2,185 Cartons of Frozen Fig Puree (and 5 other seizure actions against frozen figs and fig puree). Decrees of condemnation. Products ordered released under bond for conversion into wine. (F. D. C. Nos. 11608, 11676, 11678, 11684, 11696, 11719. Sample Nos. 28092-F, 28093-F, 28095-F, 28096-F, 36671-F, 50254-F, 50255-F, 58459-F, 58615-F, 58619-F.)

LABELS FILED: January 8 and 20, 1944, District of Columbia; January 20, 1944, Northern District of Georgia; January 24 and 26, 1944, Western District of Pennsylvania.

ALLEGED SHIPMENT: From on or about September 29 to November 13, 1943, by the R. D. Pringle Co., Ogden, Utah.