

FROZEN FRUIT

7136. Adulteration and misbranding of frozen cherries. U. S. v. E. J. Nugent & Sons. Plea of nolo contendere. Fine, \$300. (F. D. C. No. 12519. Sample Nos. 13979-F, 39632-F.)

INFORMATION FILED: July 18, 1944, District of Colorado, against E. J. Nugent & Sons, a partnership, Loveland, Colo.

ALLEGED SHIPMENT: On or about August 19 and 30, 1943, from the State of Colorado into the State of California.

PRODUCT: Frozen cherries.

LABEL, IN PART: (Portion of product) "RSP Cherries."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), partially pitted cherries had been substituted in whole or in part for pitted cherries, which the product purported and was represented to be; and, Section 402 (a) (3), (portion) it consisted in whole or in part of a decomposed substance, rotten, moldy and fermenting cherries.

Misbranding, Section 403 (b), the product consisted of partially pitted cherries and was offered for sale under the name of another food.

DISPOSITION: August 28, 1944. A plea of nolo contendere having been entered, the defendant was fined \$100 on each of counts 1 and 3, involving the adulteration charges, and \$50 on each of counts 2 and 4, involving the misbranding charge, a total fine of \$300.

7137. Adulteration of frozen strawberries. U. S. v. 10 Barrels of Frozen Strawberries. Default decree of condemnation and destruction. (F. D. C. No. 12641. Sample No. 78217-F.)

LIBEL FILED: June 12, 1944, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about May 19, 1944, by Kruse's, Inc., from Plant City, Fla.

PRODUCT: 10 barrels of frozen strawberries at Philadelphia, Pa.

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

DISPOSITION: July 19, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed and the barrels salvaged.

MISCELLANEOUS FRUIT PRODUCTS*

7138. Adulteration and misbranding of apple butter. U. S. v. 11 Cases of Apple Butter. Default decree of condemnation and destruction. (F. D. C. No. 13048. Sample No. 71058-F.)

LIBEL FILED: On or about July 31, 1944, District of Oregon.

ALLEGED SHIPMENT: On or about January 18 and 24, 1944, by California Preserving Co., from Los Angeles, Calif.

PRODUCT: 11 cases, each containing 12 1-pound, 12-ounce jars, of apple butter at Medford, Oreg.

LABEL, IN PART: (Jars) "Catalina Brand Pure Apple Butter."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), an apple product insufficiently concentrated by heat had been substituted in whole or in part for apple butter, a food for which a definition and standard of identity has been prescribed by the regulations.

Misbranding, Section 403 (a), the name "Apple Butter" was false and misleading; and, Section 403 (g) (1), the product failed to conform to the definition and standard for apple butter because the soluble solids content of the finished article was less than 43 percent.

DISPOSITION: September 25, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7139. Adulteration of fig paste. U. S. v. 500 Cases of Fig Paste. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 12625. Sample No. 70837-F.)

LIBEL FILED: June 28, 1944, Western District of Washington.

ALLEGED SHIPMENT: On or about December 30, 1943, by Bonner Packing Co. from Fresno, Calif.

PRODUCT: 500 80-pound cases of fig paste at Seattle, Wash.

*See also No. 7195.