

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.

- LABEL, IN PART:** "Fine Grind Bonner Brand Adriatic Paste Figs."
- 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 insect fragments and larvae.
- DISPOSITION:** July 24, 1944. Bonner Packing Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be destroyed by distillation or denatured and used for animal feed, under the supervision of the Federal Security Agency.
- 7140. Adulteration of fig paste. U. S. v. 484 Cases of Fig Paste. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 12445. Sample No. 71030-F.)**
- LIBEL FILED:** On or about May 29, 1944, District of Oregon.
- ALLEGED SHIPMENT:** On or about March 18, 1944, by West Coast Growers and Packers, from Dinuba, Calif.
- PRODUCT:** 484 80-pound cases of fig paste at Portland, Oreg.
- LABEL, IN PART:** "Mecca Brand Fig Paste * * * Packed by Roeding Fig & Olive Co. Fresno, Calif."
- 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 larvae, larva fragments, and insect fragments.
- DISPOSITION:** June 10, 1944. Roeding Fig & Olive Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be destroyed by distillation under the supervision of the Federal Security Agency.
- 7141. Misbranding of fig preserves. U. S. v. 7 Cases of Fig Preserves. Default decree of forfeiture. Product ordered delivered to charitable institutions. (F. D. C. No. 12270. Sample No. 26212-F.)**
- LIBEL FILED:** May 3, 1944, Northern District of Indiana.
- ALLEGED SHIPMENT:** On or about October 27, 1943, by Dearborn Wholesale Grocers, Chicago, Ill.
- PRODUCT:** 7 cases, each containing 12 unlabeled 2½-pound jars, of fig preserves, at Lafayette, Ind.
- The product was invoiced as fig preserves.
- VIOLATIONS CHARGED:** Misbranding, Section 403 (e) (1), the article was a food in package form and failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; and, Section 403 (e) (2), an accurate statement of the quantity of the contents; and, Section 403 (g) (2), the article purported to be and was represented (on invoice) as fig preserves, a food for which a definition and standard of identity has been prescribed by the regulations, but its label failed to bear the name of the food specified in the definition and standard.
- DISPOSITION:** August 8, 1944. No claimant having appeared, decree of forfeiture was entered and the product was ordered delivered to charitable institutions.
- 7142. Adulteration of prune juice concentrate. U. S. v. Anthony Joseph (Raisin Syrup Co.). Plea of not guilty. Trial by jury. Verdict of guilty. Fine, \$250 on count 1; imposition of sentence suspended on count 2 for a period of 1 year, during which time the defendant was to be on probation. Affirmed on appeal. Application for writ of certiorari denied by U. S. Supreme Court. (F. D. C. No. 9646. Sample Nos. 11063-F, 44580-F.)**
- INFORMATION FILED:** On June 21, 1943, in the Southern District of California, against Anthony Joseph, trading as the Raisin Syrup Co., Fresno, Calif.
- ALLEGED SHIPMENT:** On or about December 30, 1942, and January 25, 1943, from the State of California into the State of Connecticut.
- LABEL, IN PART:** "Raisin Syrup Co. Smil-O-Brand * * * Stoddard Bros. Inc. * * * Hartford, Conn."
- VIOLATIONS 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, insect fragments and excreta, rodent hair fragments, hairs resembling rodent hairs, and hair fragments resembling rodent and cat hairs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it might have become contaminated with filth.