

ALLEGED SHIPMENT: On or about August 19 and 21, 1944, by the Morgan City Packing Co., from Raceland and Morgan City, La.

PRODUCT: 23 boxes, each containing 5 10-pound cartons, and 1,787 10-pound cartons of shrimp at Chicago, Ill., and 5,518 5-pound cartons at Dallas, Tex.

LABEL, IN PART: (Portion) "Fisher Boy Shrimp."

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

DISPOSITION: December 29, 1944. The Booth Fisheries Corporation, claimant for the lot at Dallas, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. On February 6, 1945, no claimant having appeared for the lots at Chicago, judgments of condemnation were entered and the product was ordered destroyed.

FRUITS AND VEGETABLES *

CANNED, DRIED, AND FROZEN FRUITS

7806. Misbranding of canned cherries. U. S. v. Royal Canning Corporation. Plea of guilty. Fine, \$26. (F. D. C. No. 14235. Sample Nos. 55316-F, 64936-F.)

INFORMATION FILED: January 15, 1945, District of Utah, against the Royal Canning Corporation, Ogden, Utah.

ALLEGED SHIPMENT: On or about October 12 and December 3, 1943, from the State of Utah into the States of Idaho and Washington.

LABEL, IN PART: (Cases) "Little Boy Blue Pitted Royal Ann Med. Syrup Cherries," or "Royal Pitted Dark Sweet Heavy Syrup Cherries"; (cans) "Little Boy Blue * * * Light Sweet Pitted Cherries," or "Royal Brand Dark Sweet Pitted Cherries."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statements, "Pitted * * * Cherries," borne on the cases, and "Pitted Cherries," borne on the cans, were false and misleading since the product consisted of partially pitted cherries; and, Section 403 (h) (1), the product failed to conform to the standard for canned, pitted cherries since more than 1 pit was present in each 20 ounces of the food, and it was not labeled as substandard.

DISPOSITION: February 10, 1945. A plea of guilty having been entered on behalf of the defendant, a fine of \$25 on the first count and \$1 on the second count, a total fine of \$26, was imposed.

7807. Misbranding of canned cherries. U. S. v. 74 Cases of Canned Cherries. Product ordered released under bond. (F. D. C. No. 13441. Sample No. 73395-F.)

LABEL FILED: August 31, 1944, Northern District of Ohio.

ALLEGED SHIPMENT: On or about July 26, 1944, by the Fairview Packing Co., Oakland, Calif.

PRODUCT: 74 cases, each containing 24 cans, of cherries at Warren, Ohio.

LABEL, IN PART: "IGA Enriched With Dextrose Contents 1 Pound 15 Oz. Light Sweet Royal Anne Cherries in Heavy Syrup."

VIOLATION CHARGED: Misbranding, Section 403 (h) (2), the product purported to be and was represented as canned cherries (light, sweet), a food for which a standard of fill of container has been prescribed by regulations promulgated pursuant to law, and it fell below the standard since there was not present the maximum quantity of the cherry ingredients which could be sealed in the container and processed by heat to prevent spoilage without crushing the ingredient, and its label failed to bear, in the manner and form that the regulations specify, a statement that the product fell below the standard.

DISPOSITION: September 29, 1944. The William Edwards Co., Warren, Ohio, claimant, having admitted the allegations of the libel, the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

*See also Nos. 7702-7709, 7890.