

9739. Adulteration of frozen whiting. U. S. v. 388 Cartons of Frozen Whiting. Default decree of condemnation and destruction. (F. D. C. No. 17128. Sample No. 290-H.)

LIBEL FILED: August 21, 1945, Middle District of North Carolina.

ALLEGED SHIPMENT: On or about July 20, 1945, by the W. I. Anderson Co., from Gloucester, Mass.

PRODUCT: 388 15-pound cartons of frozen whiting at Greensboro, N. C.

LABEL, IN PART: "Seacrest Brand Frozen Fish Packed by New England Fillet Co. Inc., Boston, Mass. * * * H & G Whiting."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a putrid substance by reason of the presence of putrid fish.

DISPOSITION: September 24, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

9740. Misbranding of spiced anchovies. U. S. v. 80 Barrels of Spiced Anchovies (and 2 other seizure actions against spiced anchovies). Consent decrees of condemnation. Product ordered released under bond to be relabeled. (F. D. C. Nos. 17082, 17083, 18148. Sample Nos. 6925-H, 7479-H.)

LIBELS FILED: August 1 and October 11, 1945, Eastern District of New York.

ALLEGED SHIPMENT: On or about June 19, 1945, by the Northern Herring Co., from St. Andrews, New Brunswick, Canada.

PRODUCT: 127 barrels of spiced anchovies at Brooklyn, N. Y.

LABEL, IN PART: "Spiced Anchovies (Spratts)."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Spiced Anchovies (Spratts)" was false and misleading since the product was sea herring.

DISPOSITION: August 1 and 2, 1945. B. Westergaard, claimant for 82 barrels, and North Atlantic Fisheries Products, Inc., claimant for 45 barrels, having admitted the allegations of the respective libels, judgments of condemnation were entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

FRUITS AND VEGETABLES

FRUITS AND FRUIT PRODUCTS*

9741. Adulteration of apples. U. S. v. 798 Boxes and 798 Boxes of Apples. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 16730. Sample Nos. 733-H, 734-H.)

LIBEL FILED: March 10, 1945, Northern District of Georgia.

ALLEGED SHIPMENT: On or about February 15, 1945, by the Prentice Packing and Cold Storage Co., from Yakima, Wash.

PRODUCT: 1,596 40-pound boxes of apples at Atlanta, Ga.

LABEL, IN PART: "Kare-Ful-Pak Brand."

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the product bore and contained an added poisonous and deleterious substance, fluorine, in a quantity which was unsafe within the meaning of the law, since the fluorine content was in excess of 7 milligrams per kilogram of apples, the limit fixed by regulation.

DISPOSITION: April 2, 1945. The Fidelity Fruit and Produce Co., Atlanta, Ga., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for segregation and testing under the supervision of the Food and Drug Administration. That portion of the fruit found fit for human consumption was to be released for distribution, and the remainder of the product was to be washed to remove excess fluorine residue.

9742. Adulteration of canned cherries. U. S. v. 214 Cases and 10 Cases of Canned Cherries (and 7 other seizure actions against canned cherries). Consent decree of condemnation. Portion of product ordered destroyed; remainder ordered released under bond. (F. D. C. Nos. 15200, 15201, 15223, 15244 to 15248, incl., 15611. Sample Nos. 28003-H, 28242-H, 28507-H, 28708-H.)

LIBELS FILED: Between February 9 and April 5, 1945, Western District of Washington.

*See also Nos. 9603-9607.

ALLEGED SHIPMENT: On or about January 4 and 6, 1945, by the Hunt Brothers Packing Co., from Salem, Oreg.

PRODUCT: 1,229 cases, each containing 24 1-pound, 14-ounce cans, of cherries at Seattle, Wash.

LABEL, IN PART: "Hunt's Supreme Quality Fancy Royal Anne Light Sweet Cherries In Extra Heavy Syrup."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of maggots.

DISPOSITION: December 21, 1945. The claimant having consented to the entry of a decree, judgment of condemnation was entered and a portion of the cherries was ordered destroyed; the remainder of the product was ordered released under bond to be brought into compliance with the law by segregation of the unfit portion from the good, under the supervision of the Federal Security Agency.

9743. Adulteration of dried figs. U. S. v. 3 Boxes and 172 Boxes of Dried Figs. Product ordered released under bond. (F. D. C. No. 16479. Sample Nos. 27259-H, 27266-H.)

LABEL FILED: June 25, 1945, Eastern District of Washington.

ALLEGED SHIPMENT: On or about March 20, 1945, by the Clara-Val Packing Co., from Morgan Hill, Calif.

PRODUCT: 3 25-pound boxes and 172 25-pound boxes of dried figs at Medical Lake, Wash.

LABEL, IN PART: "Clara-Val Standard Black Mission Figs [or "Choice Adriatic Figs"]l."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 20, 1945. The Clara-Val Packing Co., claimant, having admitted the allegations of the libel, judgment was entered and the product was ordered released under bond to be converted into alcohol by distillation, under the supervision of the Food and Drug Administration.

9744. Adulteration of Greek olives. U. S. v. 190 Kegs of Greek Olives. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 16657. Sample No. 11943-H.)

LABEL FILED: June 29, 1945, District of Massachusetts.

ALLEGED SHIPMENT: On or about March 21, 1945, by the Harcourt Greene Co., from Fair Oaks, Calif.

PRODUCT: 190 125-pound kegs of various-sized olives at Boston, Mass.

LABEL, IN PART: "Ex-Large [or "Large," "Small," or "Mammoth"] Greek Olives * * * Fair Oaks Fruit Corp. Fair Oaks Cal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: July 30, 1945. Musolino, LoConte Co., Boston, Mass., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be brought into compliance with the law by washing under the supervision of the Federal Security Agency.

9745. Adulteration of oil-cured olives. U. S. v. 60 Kegs of Oil-Cured Olives. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 16750. Sample No. 16838-H.)

LABEL FILED: July 16, 1945, Northern District of Illinois.

ALLEGED SHIPMENT: On or about March 24, 1945, by the Charles Orlando Co., from Woodland, Calif.

PRODUCT: 13 kegs (standard), 30 kegs (medium), and 17 kegs (large) of oil-cured olives at Chicago, Ill.

LABEL, IN PART: "Brucia Co. Woodland Calif. Oil Cured Olives."