

PRODUCT: 98 cases, each containing 24 1-pound, 13-ounce cans, of fruit cocktail at Omaha, Nebr.

LABEL, IN PART: "Drew Fruit Cocktail in Light Syrup * * * Packed By Drew Canning Co. Campbell, Santa Clara County, California [vignette of cherries in individual serving]."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for canned fruit cocktail. The regulations require that canned fruit cocktail contain not more than 50 percent by weight of pitted, peeled, and diced peaches, and not less than 25 percent by weight of peeled, cored, and diced pears (together with specified quantities of grapes, pineapple, and cherries). The article contained a larger percentage of peaches and a smaller percentage of pears than required by the regulations.

Further misbranding, Section 403 (a), the vignette on the label depicting an individual serving of fruit cocktail containing three halves of maraschino cherries, or about 12 percent of the fruit in the serving, was false and misleading since the article contained only about 2 percent of maraschino cherries.

DISPOSITION: December 31, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

10806. Adulteration of dried figs. U. S. v. Clara Val Packing Co. Plea of nolo contendere. Fine, \$150. (F. D. C. No. 19026. Sample Nos. 3102-H, 27646-H, 28736-H.)

INFORMATION FILED: February 13, 1946, Northern District of California, against the Clara Val Packing Co., a partnership, Morgan Hill, Calif.

ALLEGED SHIPMENT: On or about March 20 and 31, 1945, from the State of California into the States of Maryland and Washington.

LABEL, IN PART: "Clara-Val * * * Figs."

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 insects, insect and worm fragments, rodent excreta, rodent hairs, cat hairs, and feather 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 18, 1946. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$50 on each count, a total fine of \$150.

10807. Adulteration of raisins. U. S. v. 474 Cases * * * (and 2 other seizure actions). (F. D. C. Nos. 18955 to 18957, incl. Sample Nos. 41818-H to 41820-H, incl.)

LIBEL FILED: On or about January 14, 1946, Eastern, Northern, and Middle Districts of North Carolina.

ALLEGED SHIPMENT: On or about October 24, 1945, by the El Mar Packing Co., Fresno, Calif.

PRODUCT: 474 cases at Durham, N. C., 288 cases at Sanford, N. C., and 957 cases at Wilmington, N. C., each case containing 20 pounds of raisins.

LABEL, IN PART: "Cal Ray Brand Three Crown Muscat Layer Raisins."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance by reason of the presence of insect-infested and fermented raisins.

DISPOSITION: February 5, 1946. The cases having been consolidated in the Eastern District of North Carolina, and the El Mar 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 disposed of in compliance with the law, under the supervision of the Food and Drug Administration.

10808. Adulteration of raisins. U. S. v. 130 Cartons * * *. (F. D. C. No. 18562. Sample No. 36688-H.)

LIBEL FILED: December 13, 1945, Western District of Washington.

ALLEGED SHIPMENT: On or about September 28, 1945, from Fresno, Calif.

PRODUCT: 130 30-pound cartons of raisins at Seattle, Wash., in possession of the Standard Warehouse. The product was stored under insanitary conditions after shipment. Some of the cartons were rodent-gnawed, and rodent pellets were observed on and in the cartons. Examination showed that the product contained rodent pellets and rodent hairs.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 4, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10809. Adulteration of raisins and prunes. U. S. v. 2,700 Cartons * * * (and 3 other seizure actions). (F. D. C. Nos. 19012, 19176, 20883, 21333. Sample Nos. 8343-H, 8347-H to 8349-H, incl., 9856-H, 53091-H.)

LIBELS FILED: January 28, February 11, September 16, and October 18, 1946, District of New Jersey, Western District of New York, and Northern District of Ohio.

ALLEGED SHIPMENT: Between the approximate dates of October 30, 1945, and June 7, 1946, by Rosenberg Brothers & Co., from Fresno, Oakland, and San Francisco, Calif.

PRODUCT: 9,727 30-pound cartons of raisins at Jersey City, N. J., 14 30-pound cartons of raisins at Toledo, Ohio, and 65 25-pound boxes of prunes at Olean, N. Y. Examination showed that the lots of raisins at Jersey City contained dirty and moldy raisins and that the prunes and the lot of raisins at Toledo were insect-infested.

LABEL, IN PART: "Iris Brand Soda Dipped Seedless Thompson Raisins," "Jobbers Special Brand California Thompson Seedless Raisins," or "Shur-fine Brand Santa Clara Prunes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of a filthy substance, and a portion consisted of a decomposed substance.

DISPOSITION: June 14, October 14, and November 19, 1946. Rosenberg Brothers & Co., claimant for the New Jersey lots of raisins, having admitted the allegations of the libels, and no claimant having appeared for the Toledo lot of raisins and the lot of prunes, judgments of condemnation were entered. It was ordered that the New Jersey lots of raisins be released under bond, conditioned that they be used in the manufacture of distilled spirits, under the supervision of the Food and Drug Administration. The raisins at Toledo and the prunes at Olean were ordered destroyed.

10810. Adulteration of frozen blueberries. U. S. v. 759 Boxes * * *. (F. D. C. No. 18226. Sample No. 8122-H.)

LIBEL FILED: October 26, 1945, District of New Jersey.

ALLEGED SHIPMENT: On or about September 17, 1945, by the Mitchell Pacific Produce Co., from Toronto, Canada.

PRODUCT: 759 22-pound boxes of frozen blueberries at Newark, N. J. Examination of the product showed the presence of moldy berries.

LABEL, IN PART: "Quebec Blueberries Product of Canada * * * Gravel & Fils."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: March 22, 1946. The shipper having withdrawn its claim, and no other claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10811. Adulteration and misbranding of frozen strawberry topping. U. S. v. 6 Cases * * *. (F. D. C. No. 18083. Sample No. 10957-H.)

LIBEL FILED: November 14, 1945, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about July 25, 1945, by Sky Brothers, from Newark, N. J.