

12342. Misbranding of frozen strawberries and frozen raspberries. U. S. v. 100 Cases, etc. (F. D. C. No. 22770. Sample Nos. 3780-H to 3782-H, incl.)

LIBEL FILED: March 26, 1947, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about February 13, 1947, by Buffalo Frosted Foods, Inc., from Buffalo, N. Y.

PRODUCT: 100 cases, each containing 36 12-ounce cartons, and 100 cases, each containing 24 cans, of frozen strawberries; and 100 cases, each containing 24 cans, of frozen raspberries, at Greencastle, Pa. Examination showed that the strawberries were short-weight. The cans containing the raspberries were unlabeled.

LABEL, IN PART: (Strawberries, cartons and cans) "Net Wt. 12 Ozs. [or "1 lb."] Frozen Fresh Strawberries with Sugar"; (raspberries, cases) "Frozen Fresh Columbian Raspberries with Sugar 24 1 Lb. Cans."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), (raspberries) the cans of the article failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of contents; Section 403 (i) (2), (raspberries) the article was fabricated from two or more ingredients and its label failed to bear the common or usual name of each; and, Section 403 (e) (2), (strawberries) the labels of the cartons and cans failed to contain an accurate statement of the quantity of contents.

DISPOSITION: April 14, 1947. Buffalo Frosted Foods, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the products were ordered released under bond, conditioned that the strawberries be relabeled and the raspberries be repackaged, under the supervision of the Federal Security Agency.

12343. Adulteration of frozen strawberries. U. S. v. 1,560 Cans * * * (F. D. C. Nos. 23077, 23078. Sample No. 39458-H.)

LIBEL FILED: June 23, 1947, Northern District of Illinois.

ALLEGED SHIPMENT: On or about April 30, 1947, by M. W. Miller & Co., from Hammond, La.

PRODUCT: 1,560 30-pound cans of frozen strawberries at Chicago, Ill.

LABEL, IN PART: "All Star Brand Louisiana Strawberries."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. (Examination showed the presence of decomposed berries.)

DISPOSITION: August 15, 1947. Default decree of condemnation and destruction.

12344. Adulteration of frozen strawberries. U. S. v. 1,600 Cans * * * (and two other seizure actions). (F. D. C. Nos. 23369, 23381, 23441. Sample Nos. 39281-H, 39282-H, 39294-H, 39295-H, 76521-H.)

LIBELS FILED: July 22 and 28 and September 4, 1947, Eastern District of Wisconsin and Western District of Texas.

ALLEGED SHIPMENT: On or about June 2, 6, and 9, 1947, by M. W. Miller & Co., from New Orleans, La.

PRODUCT: Frozen strawberries. 1,600 30-pound cans, 81 450-pound drums, and 30 450-pound barrels at Green Bay, Wis.; and 500 30-pound cans at San Antonio, Tex.

LABEL, IN PART: "All Star Brand Strawberries."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance. (Examination showed the presence of decomposed and moldy berries.)

DISPOSITION: September 23 and October 7, 1947. The M. W. Miller Co., Sturgeon Bay, Wis., having appeared as claimant for the Wisconsin lots, and no claimant having appeared for the Texas lot, judgments of condemnation were entered. The Wisconsin lots were ordered released under bond to be brought into compliance with the law by segregating the good strawberries from the bad, under the supervision of the Food and Drug Administration. The Texas lot was ordered destroyed.