

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance.
DISPOSITION: August 13, 1947. Default decree of condemnation and destruction.

12542. Adulteration of blueberries. U. S. v. 1 Crate * * *. (F. D. C. No. 23911. Sample No. 87920-H.)

LIBEL FILED: August 5, 1947, Southern District of New York.

ALLEGED SHIPMENT: On or about August 3, 1947, by J. Marz, Sr., from Matawan, N. J.

PRODUCT: 1 crate, containing 36 pints, of blueberries at New York, N. Y. Examination disclosed that the product was infested with maggots.

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

DISPOSITION: August 13, 1947. Default decree of condemnation and destruction.

12543. Adulteration of cherries. U. S. v. 827 Lugs * * *. (F. D. C. No. 23498. Sample No. 87580-H.)

LIBEL FILED: July 10, 1947, Southern District of New York.

ALLEGED SHIPMENT: On or about June 29, 1947, by the Ninth Street Skookum Growers, Wenatchee, Wash.

PRODUCT: 827 14-pound lugs of cherries at New York, N. Y.

LABEL, IN PART: "Blue Goose Wenatchee Selected Cherries Packed by Ninth Street Skookum Growers. Distributed by American Fruit Growers, Inc. Wenatchee, Wash."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product was unfit for food by reason of its having a disagreeable taste suggestive of iodine and creosol.

DISPOSITION: July 16, 1947. Default decree of condemnation and destruction.

12544. Misbranding of frozen raspberries. U. S. v. 1,063 Cartons * * *. (F. D. C. No. 23655. Sample Nos. 87909-H, 91363-H.)

LIBEL FILED: August 22, 1947, District of New Jersey.

ALLEGED SHIPMENT: On or about August 5, 1946, by George W. Haxton & Son, Inc., from Oakfield, N. Y.

PRODUCT: 1,063 cartons, each containing 12 cups, of frozen raspberries at Jersey City, N. J.

LABEL, IN PART: "New York State Frozen Columbian [or "Purple Columbian"] Raspberries."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents. (A portion of the cups bore the statement "Net Weight 12 Oz." but contained less than 12 ounces of berries. The cups containing the remainder of the article bore no statement of the quantity of the contents.)

DISPOSITION: September 24, 1947. George W. Haxton & Son, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for repacking and relabeling, under the supervision of the Food and Drug Administration.

12545. Adulteration and misbranding of frozen strawberries, and adulteration of frozen red raspberries, black raspberries, loganberries, and boysenberries. U. S. v. 208 Cases * * * (and 2 other seizure actions). (F. D. C. Nos. 20749, 21609, 22136. Sample Nos. 32151-H, 58352-H, 58353-H, 64819-H, 64820-H.)

LIBELS FILED: August 29 and November 7, 1946, and January 9, 1947, Southern District of California and Southern District of New York.

ALLEGED SHIPMENT: June 12 and July 20 and 25, 1946, by the Midfield Packers, from Olympia, Wash.

PRODUCT: 208 cases, each containing 24 1-pound cartons, of strawberries at Yorba Linda, Calif.; and 2,005 cases, each containing 1 pound, of red raspberries, black raspberries, loganberries, or boysenberries, at New York, N. Y.

Examination showed that the packages contained from 8 to 10 ounces of fruit and from 6 to 8 ounces of sugar or sugar solution, whereas they should have held at least 12 ounces of fruit.