

PRODUCT: 52 25-pound cases of dried prunes at Tacoma, Wash.

LABEL, IN PART: "Stadium Brand."

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

DISPOSITION: March 3, 1948. Default decree of condemnation. The product was ordered delivered to an institution, for use as stock feed.

FROZEN FRUIT*

12926. Adulteration and misbranding of frozen cherries. U. S. v. 3,731 Cases
* * *. (F. D. C. No. 21906. Sample Nos. 64961-H, 64962-H.)

LIBEL FILED: December 3, 1946, Southern District of New York.

ALLEGED SHIPMENT: On or about June 24 and 25, 1946, by Midfield Packers, from Olympia, Wash.

PRODUCT: 3,731 cases, each containing 24 1-pound packages, of frozen cherries at New York, N. Y.

LABEL, IN PART: (Package) "Frosted Foods Cortley * * * Black Pitted Cherries * * * Distributed by Cortley Frosted Foods New York."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), partially pitted cherries had been substituted in whole or in part for pitted cherries.

Misbranding, Section 403 (a), the label statement "Black Pitted Cherries" was false and misleading as applied to partially pitted cherries. (The product contained pits in excess of the number which can be regarded as unavoidable. Under good commercial practice, pits can be kept down to 1 pit per 20 ounces or less.)

DISPOSITION: January 29, 1948. Cortley Frosted Foods, Inc., claimant, having consented to the entry of a decree, judgment was entered ordering that the product be released under bond for the separation of the fit portion from the unfit and the relabeling of the latter, under the supervision of the Food and Drug Administration.

12927. Adulteration of frozen grapes. U. S. v. 50 Barrels * * * (F. D. C. No. 24024. Sample No. 15111-K.)

LIBEL FILED: December 24, 1947, Northern District of Illinois.

ALLEGED SHIPMENT: On or about October 20, 1947, by the Berrien County Co-operative Fruit Exchange, from Stevensville, Mich.

PRODUCT: 50 375-pound barrels of frozen grapes at Chicago, Ill.

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 fly eggs and maggots; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 24, 1948. Default decree of condemnation and destruction.

12928. Adulteration of frozen raspberries. U. S. v. 84 Barrels * * * (F. D. C. No. 23937. Sample No. 30901-K.)

LIBEL FILED: October 28, 1947, Southern District of California.

ALLEGED SHIPMENT: On or about July 22, 1947, by the Washington Packers, Inc., from Sumner, Wash.

PRODUCT: 84 barrels, each containing 55 gallons, of frozen raspberries at Los Angeles, Calif.

LABEL, IN PART: "Dewkist Brand."

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

DISPOSITION: December 15, 1947. The Washington Packers, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the fit be separated from the unfit and that the latter be returned to the point

*See also No. 12932.