

FRUITS AND VEGETABLES**CANNED FRUIT**

14023. Misbranding of canned blackberries. U. S. v. 35 Cases * * * (F. D. C. No. 25730. Sample Nos. 28599-K, 29610-K.)

LIBEL FILED: November 3, 1948, District of Colorado.

ALLEGED SHIPMENT: On or about April 1, 1948, by the Oregon Fruit Products Co., from Salem, Oreg.

PRODUCT: 35 cases, each containing 48 11-ounce cans, of blackberries at Denver, Colo.

LABEL, IN PART: "Oregon Fruit Products Blackberries Fancy Quality Net Contents 11 Ounces Avd."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement on the cans "Fancy Quality" was false and misleading as applied to an article which was not fancy grade, but consisted of a considerable percentage of very small berries which were not well ripened and which had tough cores and drupelets not well developed.

DISPOSITION: December 7, 1948. The Oregon Fruit Products Co., claimant, having consented to the entry of a decree, judgment was entered finding the product misbranded and ordering it released under bond for relabeling, under the supervision of the Federal Security Agency.

14024. Adulteration of canned blueberries. U. S. v. 1,091 Cases * * *. (F. D. C. No. 22574. Sample No. 17291-H.)

LIBEL FILED: May 5, 1947, Northern District of Illinois.

ALLEGED SHIPMENT: On or about November 7, 1946, by the Sea-Land Frosted Food Corp., from Williamson, N. Y.

PRODUCT: 1,091 cases, each containing 24 1-pound, 4-ounce cans, of blueberries at Chicago, Ill.

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

DISPOSITION: The Sea-Land Food Corp., claimant, filed an answer to the libel and filed a motion petitioning the entry of an order authorizing the claimant to export the blueberries to Canada or any other foreign country. This motion was denied on November 10, 1947.

On December 19, 1947, the claimant having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for segregation and destruction of the unfit portion, under the supervision of the Food and Drug Administration. Of the 1,123 cases seized, 377 cases were segregated as good and the remaining 746 cases were destroyed.

14025. Misbranding of canned cherries. U. S. v. Escalon Packers, Inc., Edward I. Colombo, and Christopher P. Colombo. Pleas of guilty. Fine of \$100 against corporation and \$50 against each individual. (F. D. C. No. 24814. Sample Nos. 64455-H, 64566-H.)

INFORMATION FILED: July 12, 1948, Northern District of California, against Escalon Packers, Inc., Escalon, Calif., and Edward I. Colombo and Christopher P. Colombo, president and vice president, respectively, of the corporation.

ALLEGED SHIPMENT: On or about July 16, 1946, from the State of California into the State of New York.

LABEL, IN PART: "Dora Dark Seconds Sweet Cherries In Light Syrup."