

**DISPOSITION:** March 1, 1949. Rubenstein & Son Produce, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for segregation of the fit from the unfit, under the supervision of the Food and Drug Administration. Of the 29,500 pounds seized, 16,564 pounds were segregated as passable.

**14838. Adulteration of frozen shrimp. U. S. v. 171 Cases \* \* \*. (F. D. C. No. 26559. Sample Nos. 39674-K, 39675-K.)**

**LIBEL FILED:** On or about March 14, 1949, Western District of Texas.

**ALLEGED SHIPMENT:** On or about January 10, 1949, by the Nogales Freezing & Storage Co., Ltd., from Nogales, Ariz.

**PRODUCT:** 171 cases, each containing 10 5-pound cartons, of frozen shrimp at El Paso, Tex.

**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 decomposed shrimp.

**DISPOSITION:** March 16, 1949. The Mid Central Fish Co., El Paso, Tex., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law. The fit portion of the product was separated from the unfit, which resulted in the salvage of 123.7 cases of passable shrimp.

**14839. Adulteration of frozen shrimp. U. S. v. 100 Cartons \* \* \*. (F. D. C. No. 26413. Sample Nos. 12498-K, 12499-K.)**

**LIBEL FILED:** January 18, 1949, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about December 10, 1948, by the Shapiro Fisheries, from Nogales, Ariz.

**PRODUCT:** 100 cartons, each containing 10 5-pound packages, of frozen shrimp at Philadelphia, Pa.

**LABEL, IN PART:** (Package) "Packed by Nogales Freezing & Storage Co., Nogales, Ariz. Products of Mexico."

**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 decomposed shrimp.

**DISPOSITION:** February 10, 1949. The Shapiro Fisheries, Nogales, Ariz., 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. Of the 3,350 pounds seized, 1,700 pounds were passed as fit, and the remainder were disposed of for use as fertilizer.

## FRUITS AND VEGETABLES\*

### CANNED AND DRIED FRUIT

**14840. Misbranding of canned apricots. U. S. v. 94 Cases \* \* \*. (F. D. C. No. 26634. Sample No. 56102-K.)**

**LIBEL FILED:** On March 9, 1949, Southern District of New York.

**ALLEGED SHIPMENT:** On or about November 14, 1946, by Fair View Packing Co., Inc., from Hollister, Calif.

\*See also No. 14801.

PRODUCT: 94 cases, each containing 6 6-pound, 12-ounce cans, of apricots at New York, N. Y.

LABEL, IN PART: (Can) "Headline Fancy Whole Unpeeled Apricots."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Fancy" was false and misleading since the product was not of fancy quality; and, Section 403 (h) (2), the product fell below the standard of fill of container for canned apricots, and its label failed to bear the substandard legend. Examination showed that the product fell below fancy quality on account of color, ripeness, and defects.

DISPOSITION: July 26, 1949. Default decree of condemnation. The product was ordered delivered to a charitable institution, after withdrawal of additional samples by the Food and Drug Administration.

14841. Misbranding of canned pears. U. S. v. 35 Cases \* \* \*. (F. D. C. No. 26646. Sample No. 41428-K.)

LABEL FILED: April 20, 1949, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about March 1, 1949, by the D & D Foods Co., from Wenatchee, Wash.

PRODUCT: 35 cases, each containing 6 6-pound, 10-ounce cans, of pears at Philadelphia, Pa.

LABEL, IN PART: (Can) "Star Dee Brand Bartlett Pears Halves in Light Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned pears since the weight of the largest unit in the container was more than twice the weight of the smallest unit; not all of the units were untrimmed, or so trimmed as to preserve normal shape; more than 10 percent of the units in the container were broken; and the label failed to bear the statement that the product fell below the standard.

DISPOSITION: June 28, 1949. The D & D Foods 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 relabeled under the supervision of the Food and Drug Administration.

14842. Misbranding of canned peaches. U. S. v. 598 Cases \* \* \*. (F. D. C. No. 26666. Sample No. 46228-K.)

LABEL FILED: February 28, 1949, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about November 20, 1948, by Color Flavor Products, Inc., from Palisade, Colo.

PRODUCT: 598 cases of canned peaches at St. Louis, Mo.

LABEL, IN PART: "Welch's Halves Yellow Freestone Elberta Peaches In Extra Heavy Syrup Contents 1 Lb. 14 Oz. Packed By The Welch Grape Juice Company, Westfield, N. Y."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the article purported to be and was represented as canned peaches, a food for which a definition and standard of identity has been prescribed by regulations, and its label failed to bear, as the regulations require, the name of the optional packing medium present in the article. The label of the article bore the statement "In Extra Heavy Syrup" whereas it was packed in sirup designated as "Heavy Sirup" in such standard.