

FRUITS AND VEGETABLES**CANNED FRUIT**

15185. Adulteration of canned prunes and alleged adulteration of canned prune plums. U. S. v. Allen Fruit Co., Inc., and William G. Allen. Pleas of not guilty. Tried to the court. Verdict of guilty on counts 1 and 2 and verdict of not guilty on count 3; fine of \$500 against each defendant. (F. D. C. No. 23573. Sample Nos. 62275-H, 67379-H, 67380-H.)

INFORMATION FILED: November 25, 1947, District of Oregon, against Allen Fruit Co., Inc., Salem, Oreg., and William G. Allen, president and manager of the corporation.

ALLEGED SHIPMENT: On or about October 1 and December 14, 1946, from the State of Oregon into the States of Oklahoma and Montana, of a number of unlabeled cans of prunes and a number of cans of prune plums.

LABEL, IN PART: "Allen Brand Oregon Prune Plums."

NATURE OF CHARGE: Canned prunes. Adulteration, Section 402 (a) (3), (counts 1 and 2) the article consisted in part of a filthy substance by reason of the presence of rodent hairs; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

Canned prune plums. Adulteration, Section 402 (a) (3), (count 3) the article consisted in part of a decomposed substance by reason of the presence of rotten prunes.

DISPOSITION: Pleas of not guilty having been entered, the case came on for trial before the court without a jury on or about September 24, 1948. At the conclusion of the trial, an opportunity was accorded to counsel for the submission of briefs; and on April 11, 1949, after consideration of the testimony and briefs of counsel, the court returned a verdict of guilty as to both defendants on counts 1 and 2 of the information and a verdict of not guilty on count 3. On September 6, 1949, the court imposed a fine of \$500 on each of counts 1 and 2 against both defendants, a total fine of \$1,000.

15186. Misbranding of canned peaches. U. S. v. 37 Cases, etc. (F. D. C. No. 27302. Sample No. 2113-K.)

LABEL FILED: June 6, 1949, District of Columbia.

ALLEGED SHIPMENT: On or about February 14, 1949, by the George Noroian Co., from Dinuba, Calif.

PRODUCT: 80 cases, each containing 24 1-pound, 13-ounce cans, of peaches at Washington, D. C.

LABEL, IN PART: "Irregular Ripe and Ragged Fruitful Valley Brand Halves Nectar Peaches In Extra Heavy Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the product 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 the name of the optional packing medium present since the label bore the statement "In Extra Heavy Syrup" and the product was packed in heavy sirup.

DISPOSITION: June 14, 1949. Sheridan Super Market, Inc., Washington, D. C., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be relabeled, under the supervision of the Food and Drug Administration.