

**LABEL, IN PART:** "Red Label Brand Red Tart Pitted Cherries In Extra Heavy Syrup."

**NATURE OF CHARGE:** Misbranding, Section 403 (g) (2), the product was canned cherries, a food for which a definition and standard of identity has been prescribed by regulations, and its label failed to bear as required by the regulations, the name of the optional packing medium present since the label bore the statement "In Extra Heavy Syrup," whereas the product was packed in sirup designated as "heavy sirup" in the definition and standard.

**DISPOSITION:** October 14, 1949. The Wegner Canning Corp., 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 for relabeling, under the supervision of the Food and Drug Administration.

**15332. Adulteration of canned crushed pineapple. U. S. v. 83 Cases \* \* \***  
(F. D. C. No. 28065. Sample No. 62476-K.)

**LABEL FILED:** October 18, 1949, District of Massachusetts.

**ALLEGED SHIPMENT:** On or about December 30, 1946, from Plant City, Fla.

**PRODUCT:** 83 cases, each containing 6 7-pound, 4-ounce cans, of crushed pineapple at Worcester, Mass.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of its chemical composition, and it was otherwise unfit for food by reason of its metallic taste. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** November 28, 1949. Default decree of condemnation and destruction.

**15333. Adulteration of canned raspberries. U. S. v. 45 Cases, etc. (F. D. C. No. 27916. Sample Nos. 42854-K, 42855-K.)**

**LABEL FILED:** October 14, 1949, Northern District of Indiana.

**ALLEGED SHIPMENT:** On or about August 1, 1949, by Dwan's Home Canning Co., from St. Joseph, Mich.

**PRODUCT:** 45 cases, each containing 24 No. 2 cans, and 45 cases, each containing 6 No. 10 cans, of raspberries at Marion, Ind.

**LABEL, IN PART:** "Dwan's \* \* \* Black Raspberries Water Pack."

**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 raspberry material.

**DISPOSITION:** December 1, 1949. Default decree of condemnation and destruction.

#### FROZEN FRUIT

**15334. Adulteration of frozen strawberries, frozen sliced peaches, frozen crushed pineapple, frozen blackberries, and chocolate coating. U. S. v. 15 Cans, etc. (F. D. C. No. 27769. Sample Nos. 11761-K, 56156-K, 56158-K to 56160-K, incl.)**

**LABEL FILED:** August 17, 1949, District of Connecticut.

**ALLEGED SHIPMENT:** The frozen fruits were shipped on or about January 29, July 10, and October 7, 1946, and July 17, 1947, and the chocolate coating was shipped on or about January 9, February 4, and March 4, 1948.

**PRODUCT:** 15 cans, each containing 30 pounds, of frozen strawberries; 263 cans, each containing 30 pounds, of frozen sliced peaches; 27 cartons, each containing 1 30-pound can, of frozen crushed pineapple; 26 cartons, each containing 1 25-pound can, of frozen blackberries; and 3 cartons, each containing 50 pounds, of chocolate coating, and 25 pounds of unwrapped chocolate coating at Bridgeport, Conn. The chocolate coating was stored under insanitary conditions in the possession of Henry Bresky & Sons.

**NATURE OF CHARGE:** Frozen fruits. Adulteration, Section 402 (a) (3), the products consisted in whole or in part of decomposed substances.

Chocolate coating. Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of being rodent-gnawed; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

The products were adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** November 15, 1949. Default decree of condemnation and destruction.

**15335. Adulteration of frozen strawberries. U. S. v. 186 Tins \* \* \* (and 1 other seizure action). (F. D. C. Nos. 27617, 27801. Sample Nos. 8648-K, 8649-K, 11972-K.)**

**LIBELS FILED:** July 29 and August 29, 1949, Eastern District of New York.

**ALLEGED SHIPMENT:** On or about June 18, 1949, by the Bateman Frozen Foods Co., from Macon, Ga.

**PRODUCT:** 276 25-pound tins of frozen strawberries at Brooklyn, N. Y.

**LABEL, IN PART:** (Tin) "Juice Stock Strawberries Without Sugar."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of rotten berries.

**DISPOSITION:** October 14, 1949. Default decrees of condemnation and destruction.

**15336. Adulteration of frozen sliced peaches. U. S. v. 120 Cans \* \* \*. (F. D. C. No. 27808. Sample Nos. 11316-K to 11318-K, incl.)**

**LIBEL FILED:** September 2, 1949, Southern District of New York.

**ALLEGED SHIPMENT:** On or about May 5, 1947, by the Bateman Frozen Foods Co., from Macon, Ga.

**PRODUCT:** 120 30-pound cans of frozen sliced peaches at Poughkeepsie, N. Y.

**LABEL, IN PART:** (Can) "Dixiana Quick-Frozen Sliced Peaches."

**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 flies and other insects, insect parts, rodent hairs, wood splinters, and dirt.

**DISPOSITION:** September 23, 1949. Default decree of condemnation and destruction.

#### VEGETABLES AND VEGETABLE PRODUCTS

**15337. Adulteration of frozen asparagus. U. S. v. 45 Cases \* \* \*. (F. D. C. No. 27564. Sample No. 13155-K.)**

**LIBEL FILED:** On or about July 19, 1949, District of New Jersey.