

FRUITS AND VEGETABLES**CANNED FRUIT**

15726. Misbranding of canned cherries. U. S. v. 99 Cases * * *. (F. D. C. No. 28286. Sample No. 50929-K.)

LABEL FILED: November 10, 1949, Eastern District of New York.

ALLEGED SHIPMENT: On or about October 8, 1949, by the Producers Coop. Packing Co., from Salem, Oreg.

PRODUCT: 99 cases, each containing 24 1-pound, 14-ounce cans, of cherries at Farmingdale, L. I., N. Y.

LABEL, IN PART: (Can) "Arco Royal Anne Cherries."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the product was represented to be canned cherries; a product for which a definition and standard of identity has been established by the regulations; and its label failed to bear the name of the optional cherry ingredient, namely, "Light Sweet," and the name of the optional packing medium, namely, "Heavy Sirup," present in the product.

DISPOSITION: December 16, 1949. Montauk Wholesale Grocery Co., Inc., Farmingdale, L. I., N. Y., 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.

DRIED FRUIT

15727. Adulteration of dried peaches and dried mixed fruit. U. S. v. Hunt Foods, Inc. Plea of nolo contendere. Fine, \$1,500. (F. D. C. No. 28167. Sample Nos. 1389-K, 1390-K, 10873-K, 34082-K, 34096-K.)

INFORMATION FILED: On or about November 3, 1949, Northern District of California, against Hunt Foods, Inc., Hayward, Calif.

ALLEGED SHIPMENT: On or about January 21 and April 5 and 22, 1949, from the State of California into the States of South Carolina and New York.

LABEL, IN PART: "Dried Peaches * * * Phoenix Packing Company San Francisco, Cal." and "Hunt's Dried Fancy Mixed Fruits Packed by Guggenheim & Company Division of Hunt Foods, Inc. San Francisco, California—U. S. A."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the peaches consisted in part of a filthy and decomposed substance by reason of the presence of insects and decomposed peaches, and the mixed fruit consisted in part of a filthy substance by reason of the presence of rodent excreta, rodent hairs, insects, insect excreta, and larvae.

DISPOSITION: December 9, 1949. A plea of nolo contendere having been entered, the court imposed a fine of \$1,500.

15728. Adulteration of dried prunes. U. S. v. 1,667 Cases * * *. (F. D. C. No. 28070. Sample Nos. 33440-K, 56726-K.)

LABEL FILED: October 26, 1949, Southern District of New York.

ALLEGED SHIPMENT: On or about August 30, 1949, by the Valley View Packing Co., from San Jose, Calif.

PRODUCT: 1,667 30-pound cases of dried prunes at New York, N. Y.