

CHARGE: 402(a)(3)—contained rodent hairs and rotten apples; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 11-20-61. Default—delivered to a public institution for use as animal feed.

28075. Dried apples. (F.D.C. No. 45571. S. No. 49-166 P.)

INFORMATION FILED: 11-16-61, N. Dist. Calif., against Santa Cruz Fruit Co., a partnership, Santa Cruz, Calif.

ALLEGED VIOLATION: On 10-13-59, the defendant caused to be given to a firm engaged in the business of shipping various products in interstate commerce, a guaranty to the effect that fruits shipped by the defendant to such firm would not be adulterated. On 10-27-59, the defendant caused to be shipped and delivered to the holder of the guaranty at San Jose, Calif., quantities of dried apples which were adulterated.

CHARGE: 402(a)(3)—contained insect fragments, insect excreta, and other insect filth.

PLEA: Guilty.

DISPOSITION: 2-6-62. \$1,000 fine.

MISCELLANEOUS FRUIT PRODUCTS

28076. Apple juice. (F.D.C. No. 45752. S. No. 61-139 R.)

QUANTITY: 192 cases, 12 1-qt. btls. each, at Wichita, Kans.

SHIPPED: 2-13-61, from Kansas City, Mo., by Speas Co.

LABEL IN PART: (Btl.) "Speas Apple Juice * * * Packed by Speas Company, Kansas City, Mo."

LIBELED: 5-24-61, Dist. Kans.

CHARGE: 402(a)(3)—consisted in whole or in part of a filthy substance; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 10-20-61. Default—destruction.

28077. Frozen concentrated orange juice. (F.D.C. No. 46028. S. Nos. 58-301 R, 58-328 R.)

QUANTITY: 786 cases, 48 cans each, at East Point, Ga.

SHIPPED: 1-5-61 and 2-9-61, from Orlando, Fla., by Snow Crop Sales Div. of Minute Maid Corp.

LABEL IN PART: (Can sides) "Snow Crop Pure Concentrated Orange Juice * * * Makes 24 fl. oz. * * * Equal to the juice of up to 12 oranges. Snow Crop Sales Division, Minute Maid Corporation, Orlando, Florida" (can ends) "Snow Crop 100% Richer in Visible Flavor Cells."

LIBELED: 6-20-61, N. Dist. Ga.

CHARGE: 403(a)—when shipped, the label statement "100% Richer in Visible Flavor Cells" was false and misleading since the article was not 100% richer in vitamin C; and it would not improve health, increase energy; help fight disease; and resist infection, as implied; 403(a)—the label statement "100% Richer in Visible Flavor Cells" was false and misleading since it implied that the visible insoluble material in the article consisted of flavor cells which was contrary to fact; 403(a)—the label statement "100% Richer in Visible Flavor Cells" was false and misleading since it purported to make a comparison without giving the basis of comparison; and 403(a)—the label statement "Equal to

the juice of up to 12 oranges" was false and misleading since it was contrary to fact.

DISPOSITION: 4-27-62. Consent—delivered to a charitable institution.

28078. Orange juice. (F.D.C. No. 46534. S. No. 51-391 T.)

QUANTITY: 719 cases, 12 btls. each, at Anaheim, Calif.

SHIPPED: 11-7-61, from Seattle, Wash. This was a return shipment.

LABEL IN PART: (Case) "Sunnyland Juice Corp. Orange Juice 12 Quarts"; (btl.) "Sunnyland One Quart" (Brown in btl. glass); (btl. cap) "Sunnyland Orange Juice Anaheim & Santa Clara, Calif."

RESULTS OF INVESTIGATION: Examination showed this article to be short volume.

LIBELED: 11-16-61, S. Dist. Calif.

CHARGE: 403(e) (2)—when shipped, the article failed to bear a label containing an accurate statement of quantity of contents.

DISPOSITION: 12-26-61. Consent—claimed by Sunnyland Juice Corp., and repacked and reconditioned.

28079. Cherries brined. (F.D.C. No. 46339. S. No. 48-303 T.)

QUANTITY: 159 250-lb. bbls. at Santa Clara, Calif.

SHIPPED: 8-29-61, from Dalles, Oreg., by Dalles Cooperative Growers.

LIBELED: 9-21-61, N. Dist. Calif.

CHARGE: 402(a) (3)—contained *Drosophila* flies, *Drosophila* pupae, other insects, and insect fragments when shipped.

DISPOSITION: 11-3-61. Consent—claimed by Dalles Cooperative Growers. Segregated; 4 bbls. destroyed.

VEGETABLES AND VEGETABLE PRODUCTS*

28080. Canned lima beans. (F.D.C. No. 47481. S. No. 67-746 T.)

QUANTITY: 250 cases, 24 cans each, at Hazelwood, Mo.

SHIPPED: 4-14-62, from Siloam Springs, Ark., by Allen Canning Co.

LABEL IN PART: (Can) "King of Ozarks All Green Medium Lima Beans * * * Net Contents 15 Oz. Avoir. Allen Canning Company Packers and Distributors, Siloam Springs, Ark."

LIBELED: 5-4-62, E. Dist. Mo.

CHARGE: 403(a)—when shipped, the label statement "All Green" was false and misleading since the article was prepared from dry stock and consisted of approximately 14 percent white beans; and 403(g) (1)—the article failed to conform to the definition and standard of identity for canned lima beans in that it was not prepared from the succulent vegetable, but from dry lima beans, and its label failed to state that fact.

DISPOSITION: 6-15-62. Default—delivered to charitable institutions.

28081. Canned green beans. (F.D.C. No. 47240. S. No. 61-316 T.)

QUANTITY: 158 cases, 24 cans each, at St. Louis, Mo.

SHIPPED: 1-29-62, from Springdale, Ark., by Steele Canning Co.

LABEL IN PART: (Can) "Net Contents 15½ Oz. Avoir. Nancy Jo Brand Cut Green Beans Steele Canning Co., Packers & Distr., Springdale, Ark."

*See also No. 28023.