

**LIBELED:** 8-1-62, S. Dist. N.Y.

**CHARGE:** 402(a) (3)—while held for sale, the article was unfit for food by reason of having a disagreeable odor and taste.

**DISPOSITION:** 8-31-62. Consent—claimed by Mondial Co., Inc., New York, N.Y. Segregated; 143 cans destroyed.

**28567. Frozen minced clams.** (F.D.C. No. 48058. S. No. 76-878 T.)

**QUANTITY:** 48 cases, each containing 10 5-lb. ctns., at Miami, Fla.

**SHIPPED:** 7-24-62, from Greenport, Long Island, N.Y., by Shelter Island Oyster Co.

**LABEL IN PART:** (Ctn.) "Minced Clams" and "The Shelter Island Oyster Co., L.I., N.Y."

**LIBELED:** On or about 9-13-62, S. Dist. Fla.

**CHARGE:** 402(a) (3)—contained *E. coli* when shipped.

**DISPOSITION:** 10-8-62. Default—destruction.

## FRUITS AND VEGETABLES

### CANNED FRUIT

**28568. Maraschino cherries.** (F.D.C. No. 43900. S. No. 5-636 P.)

**QUANTITY:** 8 cases, each containing 4 1-gal. jars, at Washington, D.C.

**SHIPPED:** 9-30-59, from North East, Pa., by Ohio Fruit Products Co., Inc.

**LABEL IN PART:** (Jar) "Sunshine Brand Maraschino Cherries \* \* \* Packed by Ohio Fruit Products Co., Inc., North East, Pa."

**LIBELED:** 11-12-59, Dist. Columbia.

**CHARGE:** 402(a) (3)—contained insects and insect fragments; and 402(a) (4)—prepared and packed under insanitary conditions.

**DISPOSITION:** 5-16-60. Consent—destruction.

**28569. Canned boysenberries.** (F.D.C. No. 47538. S. No. 58-946 T.)

**QUANTITY:** 61 cases, each containing 24 1-lb. cans, at Kansas City, Mo.

**SHIPPED:** 7-11-61, from Stilwell, Okla., by Stilwell Canning Co.

**LABEL IN PART:** (Can) "Can-D-Pak Brand Boysenberries in Heavy Syrup \* \* \* Packed by Stilwell Canning Co. Stilwell, Okla."

**RESULTS OF INVESTIGATION:** Examination showed that the article was packed in light syrup.

**LIBELED:** 6-7-62, W. Dist. Mo.

**CHARGE:** 403(g) (2)—when shipped, the article failed to bear, as required by the definition and standard of identity for canned boysenberries, the name of the optional packing medium present in the article, since the label bore the statement "In Heavy Syrup," whereas the article was packed in a medium designated "Light Syrup."

**DISPOSITION:** 8-20-62. Consent—claimed by Stilwell Canning Co. and relabeled.

### DRIED FRUITS

**28570. Prunes.** (F.D.C. No. 47010. S. Nos. 27-449/50 T.)

**QUANTITY:** 51 30-lb. cases at Kansas City, Mo.

**SHIPPED:** Between 4-12-61 and 11-22-61, from San Jose, Calif.

**LIBELED:** On or about 2-6-62, W. Dist. Mo.

**CHARGE:** 402(a) (3)—contained insect larvae, insect excreta, and webbing while held for sale.

**DISPOSITION:** 3-28-62. Default—delivered to a public institution for use as animal feed.

**28571. Dried fruits.** (F.D.C. No. 46656. S. Nos. 57-925 R, 57-930/1 R.)

**INFORMATION FILED:** 12-20-61, S. Dist. Fla., against Natural Foods Co., Inc., Zephyrhills, Fla., and Alan I. Chenkin, director of maintenance and production, and Gilbert W. Chenkin, director of purchasing and sales.

**SHIPPED:** Between 2-28-61 and 3-19-61, from Florida to Georgia and South Carolina.

**LABEL IN PART:** (Top label) "Zephyr Brand Delicious Dried Fruits Distributed by Chenkins Natural Foods Company Zephyr Hills, Fla."; (bottom label) "Zephyr Brand 1 Pound Net FRUIT LOAF A Healthy Confection Ready to Eat [or "FRUIT COMPOTE 32-oz. Net"] Natural Foods Company, Inc. Zephyr Hills, Fla."

**CHARGE:** 402(a) (3)—contained whole insects, insect parts, and insect cast skins when shipped.

**PLEA:** Guilty.

**DISPOSITION:** 12-21-62. Corporation—\$300 fine; each individual—\$300 fine.

#### VEGETABLES AND VEGETABLE PRODUCTS

**28572. Dried beans, rice, flour, sugar, cornmeal, lima beans, salt, bakery supplies, and animal and poultry feeds.** (Inj. No. 364.)

**COMPLAINT FOR INJUNCTION FILED:** 3-8-60, N. Dist. Tex., against International Exterminator Corp., and Harlan K. Baker, president.

**CHARGE:** The complaint alleged that the defendants were engaged in the business of providing exterminator and pest-control services for establishments such as warehouses, mills, and dryers which store and sell articles such as dried beans, rice, flour, sugar, cornmeal, lima beans, salt, bakery supplies, and animal and poultry feeds; that the defendants' services were provided in Houston, Alvin, Brownwood, and elsewhere in Texas by agents working under contract with International Exterminator Corporation and under the supervision of Harlan K. Baker; that the defendants received a percentage of the monies received by such agents for the performance of such services; that in providing such services, the defendants caused quantities of a water solution of a poisonous rodenticide, sodium fluoroacetate, commonly known as Compound 1080, to be placed in and about buildings in Houston, Alvin, Brownwood, and elsewhere in Texas, under conditions whereby foods in such buildings may have become contaminated with this poison which has no known antidote.

It was alleged further that the defendants' agents prepared such water solutions of Compound 1080 from powdered Compound 1080 provided by the defendants; and that the act of causing water solutions of Compound 1080 to be placed in such buildings resulted in the foods being adulterated within the meaning of Section 402(a) (4) of the Act in that the foods were being held under insanitary conditions whereby they might have been rendered injurious to health; and that the insanitary conditions consisted of the placement of uncovered paper bait cups containing a water solution of Compound 1080 in and about such buildings and in close proximity to such foods.