1320. Adulteration of dried prunes. U. S. v. Winchester Dried Fruit Co., Antonio Teresi, and Bert Kirk, Jr. Pleas of guilty. Fine, $800. (F. D. C. No. 2109. Sample Nos. 10406–E, 10407–E.)

This product was decomposed as well as insect-infested.

On September 4, 1940, the United States attorney for the Northern District of California filed an information against the Winchester Dried Fruit Co., a corporation, Campbell, Calif., and Antonio Teresi and Bert Kirk, Jr., alleging shipment on or about October 28 and December 1, 1939, from the State of California into the State of New York, of quantities of dried prunes that were adulterated in that they consisted in whole and in part of a filthy and decomposed substance. The article was labeled in part: "Manhattan Natural Condition Prunes for Manufacturing Purposes."

On September 14, 1940, pleas of guilty having been entered on behalf of the defendants, the court imposed a fine of $500 against the corporation and $150 against each of the individual defendants.

1321. Adulteration of prunes. U. S. v. California Prune & Apricot Growers Association. Plea of guilty. Fine, $250. (F. D. C. No. 2850. Sample No. 10491–E.)

On October 22, 1940, the United States attorney for the Northern District of California filed an information against the California Prune & Apricot Growers Association at San Jose, Calif., alleging shipment on or about January 19, 1940, from the State of California into the State of New York, of a quantity of prunes that were adulterated in that they consisted in whole and in part of a filthy substance. The article was labeled in part: "Manhattan * * * Prunes."

On November 22, 1940, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $250.

1322. Adulteration of prunes. U. S. v. 68 and 26 Cases of Prunes. Default decree of condemnation and destruction. (F. D. C. No. 2752. Sample Nos. 20448–E, 20449–E.)

The warehouse in which this product was stored was infested with weevils.

On or about September 19, 1940, the United States attorney for the Southern District of Florida filed a libel against 94 cases of prunes at Miami, Fla., alleging that the article had been shipped in interstate commerce on or about December 28, 1939, and May 10, 1940, by the California Prune & Apricot Growers Association, from San Jose, Calif., and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been held under insanitary conditions whereby it might have become contaminated with filth. It was labeled in part: "Sunsweet Nature Flavored Tree Ripened Prunes" or "California Fruits Golden Glow Brand Prunes."

On December 17, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1323. Adulteration and misbranding of dried prunes. U. S. v. 1,000 Cases and 600 Cases of Dried Prunes. Default decree of condemnation and destruction. (F. D. C. No. 1979. Sample Nos. 33101–E, 33102–E.)

This product was decomposed as well as insect-infested. It was packed in cases labeled as containing canned peaches or canned pears and was consequently misbranded as indicated below.

On May 17, 1940, the United States attorney for the Southern District of New York filed a libel against 1,600 cases of dried prunes at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about February 5 and March 14, 1940, by Mayfair Packing Co. from San Jose, Calif.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed substance.

It was alleged to be misbranded in that the statements "72 8 Oz. Tins Paradise Brand Sliced Yellow Cling Peaches [or "B. B. Brand Bartlett Pears"] Packed by Bisceglia Brothers Canning Co. San Jose, Calif." were false and misleading since they were incorrect.

The article was alleged to be misbranded further in that it was in package form and did not bear the name and place of business of the manufacturer, packer, or distributor; it did not bear an accurate statement of the quantity of the contents; and did not bear the common or usual name of the food.

On June 28, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.