FRUITS AND VEGETABLES

FRESH FRUITS AND VEGETABLES

1757. Adulteration of blueberries. U. S. v. 155 Crates of Blueberries. Default decree of condemnation and destruction. (F. D. C. No. 2804. Sample Nos. 33883–E to 33886–E, incl.)

This product contained insect larvae.

On September 14, 1940, the United States attorney for the District of New Jersey filed a libel against 155 crates of blueberries at Jersey City, N. J., alleging that the article had been shipped in interstate commerce on or about August 5, 13, and 16, 1940, from Hazleton, Pa., to Brooklyn, N. Y., and on or about August 23, 1940, from Brooklyn, N. Y., to Jersey City, N. J., by Paul La Buda; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On June 2, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1758. Misbranding of potatoes. U. S. v. 121 Sacks of Potatoes. Default decree of condemnation and destruction. (F. D. C. No. 3795. Sample No. 32687–E.)

This product was below the grade stated on the label because of excessive grade defects.

On February 7, 1941, the United States attorney for the Southern District of California filed a libel against 121 sacks of potatoes at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about January 31, 1941, by John Shehady from Mason, Nev.; and charging that it was misbranded in that the statement "U. S. No. 1" was false and misleading since it was incorrect. The article was labeled in part: "U. S. No. 1 Golden West Brand Russets."

On March 10, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

CANNED FRUITS AND VEGETABLES

1759. Misbranding of canned cherries. U. S. v. 42 and 28 Cases of Canned Cherries. Default decree of condemnation and destruction. (F. D. C. No. 3933. Sample Nos. 53008–E, 53009–E.)

This product was substandard in quality because of the presence of excessive pits, and it was not labeled to indicate that it was substandard. A portion was also short of the declared weight.

On March 7, 1941, the United States attorney for the District of Arizona filed a libel against a total of 70 cases of canned cherries at Phoenix, Ariz., alleging that the article had been shipped in interstate commerce on or about January 28, 1941, by the Consumers Wholesale Grocery from Springville, Utah; and charging that it was misbranded. The article was labeled in part: (Cans) "Spring Kist Eddington Red Sour Pitted Cherries in water Contents 6 Lb. 7 Oz. [or "1 Lb. 7 Oz."]."

It was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard, and its label did not bear, in such manner and form as such regulations specify, a statement that it fell below such standard. A portion was alleged to be misbranded further in that the statement on the label, "Contents 1 Lb. 7 Ozs.," was false and misleading since it was incorrect; and in that it was in package form and did not bear an accurate statement of the quantity of the contents.

On April 17, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1760. Misbranding of canned pitted cherries. U. S. v. 71 Cases of Canned Pitted Cherries. Consent decree of condemnation. Product ordered released under bond for relabeling or repacking. (F. D. C. No. 3499. Sample No. 44063–E.)

This product was substandard in quality because of the presence of excessive pits, and it was not labeled to indicate that it was substandard.

On December 23, 1940, the United States attorney for the District of Wyoming filed a libel against 71 cases of canned sour pitted cherries at Rock Spring, Wyo., alleging that the article had been shipped in interstate commerce on or about October 3, 1940, by the Varney Canning Co. from Roy, Utah; and charging