CANNED FRUITS

4179. Adulteration of canned blackberries. U. S. v. Paulus Bros. Packing Co. Plea of guilty. Fine, $1,500. (F. D. C. No. 7665. Sample Nos. 72139-E, 79189-E.)

Examination of this product showed the presence of decomposed berries.

On August 27, 1942, the United States attorney for the District of Oregon filed an information against Paulus Bros. Packing Co., a corporation, Salem, Ore., alleging shipment on or about November 26, 1941, and February 4, 1942, from the State of Oregon into the States of California and Tennessee of quantities of canned blackberries which were adulterated in that they consisted in whole or in part of decomposed substances. The article was labeled in part: "Crater Blue Water Pack Blackberries," or "White Tag Water Blackberries."

On September 29, 1942, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $1,500.

4180. Adulteration of canned blackberries. U. S. v. Max Gehlar (Oregon Fruit Products Co.) (F. D. C. No. 7197. Sample Nos. 60494-E, 73000-E.)

On July 13, 1942, the United States attorney for the District of Oregon filed an information against Max Gehlar, trading as the Oregon Fruit Products Co., Salem, Oreg., alleging shipment in the period from on or about September 13, 1941, to January 2, 1942, from the State of Oregon into the State of California of quantities of canned blackberries which were adulterated in that they consisted in whole or in part of decomposed substances. The article was labeled in part: "O. F. P. Brand Water Packed Blackberries."

On October 13, 1942, a plea of nolo contendere was entered and the court imposed a fine of $300.

4181. Adulteration of canned blackberries and canned cherries. U. S. v. Washington Packers, Inc. Plea of nolo contendere. Fine, $350. (F. D. C. No. 7225. Sample Nos. 61065-E, 61539-E, 61543-E, 61579-E, 61580-E.)

On August 25, 1942, the United States attorney for the Western District of Washington filed an information against the Washington Packers, Inc., Sumner, Wash., alleging shipment within the period from on or about August 19, to on or about October 13, 1941, from the State of Washington into the Territory of Hawaii, and the States of California and Pensylvania, of quantities of canned blackberries and canned cherries that were adulterated. The articles were labeled in part: (Cans) "Inavale Brand * * * Water Pack Cultivated Blackberries"; or "Fruitfull Brand [or "Inavale Brand"] * * * Pitted Red Tart Cherries."

The canned blackberries were alleged to be adulterated in that they contained moldy and decomposed blackberries; the canned cherries in that they contained maggots.

On September 28, 1942, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of $350.

4182. Misbranding of canned cherries. U. S. v. 121 Cases of Canned Cherries. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 7804. Sample No. 88181-E.)

On June 29, 1942, the United States attorney for the Northern District of Texas filed a libel against 121 cases, each case containing 6 cans, of cherries at Dalhart, Tex., alleging that the article had been shipped in interstate commerce on or about February 10, 1942, by Ray A. Ricketts Co. from Canon City, Colo.; and charging that it was misbranded. The article was labeled in part: (Cans) "San Luis Red Sour Pitted Cherries Water Pack Contents 6 Lbs. 9 Ozs."

The article 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 and its quality fell below such standard, since more than 1 pit was present in each 20 ounces of canned cherries, namely, 1.24 pits per 20 ounces average, and its label did not bear, in such manner and form as such regulations specify, a statement that it fell below such standard.

On October 12, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. On October 23, 1942, an amendment to the decree was filed ordering the product delivered to a charitable institution.

4183. Misbranding of canned cherries. U. S. v. 61 Cases of Canned Cherries. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 8353. Sample No. 21243-F.)

On September 17, 1942, the United States attorney for the Western District of Pennsylvania filed a libel against 61 cases, each case containing 24 cans, of