CANNED FRUIT

4401. Adulteration of canned cherries. U. S. v. R. D. Bodle Co. Plea of guilty. Fine $400 and costs. (F. D. C. No. 7712. Sample No. 95111-E.)

This product contained worms.

On November 10, 1942, the United States attorney for the Western District of Washington filed an information against R. D. Bodle Co., a corporation, Seattle, Wash., alleging shipment on or about March 17, 1942, from the State of Washington into the State of California of a quantity of red sour pitted cherries that were adulterated in that they consisted in whole or in part of a filthy substance. The article was labeled in part: "Heep Full Brand * * * Packed By Valley Fruit Canning Co. Seattle, Wash. Red Sour Pitted Cherries."

On November 30, 1942, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $400 and costs.

4402. Misbranding of canned cherries. U. S. v. Ray A. Ricketts (Ray A. Ricketts Co.). Plea of guilty. Fine, $100. (F. D. C. No. 7743. Sample Nos. 88201-E, 88202-E, 88181-E.)

On November 20, 1942, the United States attorney for the District of Colorado filed an information against Ray A. Ricketts, trading as Ray A. Ricketts Co., Canon City, Colo., alleging introduction and delivery for introduction into interstate commerce on or about August 18, 1941, and February 10, 1942, from the State of Colorado into the State of Texas of quantities of canned cherries that were misbranded. The article was labeled in part: "O-Joy Water Pack Red Pitted Cherries," or "San Luis Red Star Pitted Cherries."

The article was alleged to be misbranded in that it purported to be and was represented as canned cherries, a food for which a standard of quality had been prescribed by regulations promulgated pursuant to law and it failed to conform to such standard since there were present more than 1 pit in each 20 ounces of canned cherries and its label failed to bear, in such manner and form as such regulations specify, a statement that it fell below such standard.

On December 16, 1942, the defendant having entered a plea of guilty, the court imposed a fine of $100.

4403. Adulteration of canned peaches. U. S. v. Georgia Canning Co. Plea of guilty. Fine $250. (F. D. C. No. 7309. Sample No. 27843-E.)

This product contained worms and filth resulting from worm infestation.

On August 4, 1942, the United States attorney for the Middle District of Georgia filed an information against the Georgia Canning Co., a corporation, Wayside, Ga., alleging shipment in interstate commerce on or about July 11, 1941, from the State of Georgia into the State of Kentucky of a quantity of canned peaches that were adulterated in that they consisted in whole or in part of filthy substances. The article was labeled in part: "Tuckahoe Brand * * * Peaches."

On November 20, 1942, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $250.

4404. Misbranding of canned peaches. U. S. v. 98 Cases of Canned Peaches. Default decree of condemnation. Product ordered relabeled and sold to highest bidder. (F. D. C. No. 8310. Sample No. 28241-F.)

On September 8, 1942, the United States attorney for the Southern District of Georgia filed a libel against 98 cases, each containing 24 cans, of peaches at Augusta, Ga., alleging that the article had been shipped in interstate commerce on or about August 5, 1942, by Walter P. Rawl from Gilbert, S. C.; and charging that it was misbranded. The article was labeled in part: (Cans) "Palmetto Brand * * * Peaches."

The article was alleged to be misbranded in that it purported to be and was represented as a food for which a standard of quality had been prescribed by regulations promulgated pursuant to law, but it fell below such standard since it did not meet the test for tenderness described in the regulations and its label failed to bear, in such manner and form as the regulations specify, a statement that it fell below such standard.

On November 27, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered relabeled, by the marshal, with the substandard legend and sold to the highest bidder.