

4628. Adulteration of frozen strawberry juice. U. S. v. 1 Barrel of Frozen Strawberry Juice. Default decree of condemnation and destruction. (F. D. C. No. 9041. Sample No. 10883-F.)

This product was sour and spoiled because of fermentation.

On December 18, 1942, the United States attorney for the Northern District of California filed a libel against 1 barrel of frozen strawberry juice at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about December 3, 1942, by the Diamond Ice & Storage Co. from Seattle, Wash., and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "S. A. Moffett Co. Seattle Wash."

On January 29, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

CANNED FRUIT

4629. Adulteration of canned blackberries. U. S. v. Olympia Canning Co. Plea of nolo contendere. Fine, \$200 and costs. (F. D. C. No. 7253. Sample Nos. 61458-E, 73378-E.)

This product contained moldy berries.

On July 16, 1942, the United States attorney for the Western District of Washington filed an information against the Olympia Canning Co., a corporation, Olympia, Wash. alleging shipment on or about September 3 and 20, 1941, from the State of Washington into the States of Idaho and Missouri of a quantity of canned blackberries that were adulterated in that they consisted in whole or in part of decomposed substances. The article was labeled in part: "Olympia Brand Blackberries."

On January 12, 1943, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$200 and costs.

4630. Adulteration of canned blackberries. U. S. v. Stayton Canning Co. Cooperative. Plea of guilty. Fine, \$150. (F. D. C. No. 7755. Sample No. 93226-E.)

This product contained moldy berries.

On November 24, 1942, the United States attorney for the District of Oregon filed an information against the Stayton Canning Co. Cooperative, a corporation, at Stayton, Oreg.; alleging that on or about September 19, 1941, the defendant gave to Wadhams & Co. a guaranty that all food products delivered by the defendant to said company would be neither adulterated nor misbranded within the meaning of the Federal Food, Drug, and Cosmetic Act; that on or about October 8, 1941, the defendant sold and delivered quantities of canned blackberries to Wadhams & Co. which were, on or about the same date, shipped in interstate commerce by the purchaser from the State of Oregon into the State of Washington. The information charged further that the defendant, in violation of said act, gave a guaranty which was false since the product so sold and delivered was adulterated in that it consisted in whole or in part of a decomposed substance.

On December 8, 1942, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$150.

4631. Adulteration of canned prunes and misbranding of canned cherries. U. S. v. Verland V. Erntson, Charles A. Walin, Roy L. Walin, and Paul R. Walin (Silverton Canning Co.). Plea of guilty. Fine, \$30. (F. D. C. No. 7757. Sample Nos. 76734-E, 76949-E, 85613-E, 85614-E.)

On January 14, 1943, the United States attorney for the District of Oregon filed an information against Verland V. Erntson, Charles A. Walin, Roy L. Walin, and Paul R. Walin, copartners trading under the name Silverton Canning Co., Silverton, Oreg., alleging shipment in interstate commerce within the period from on or about September 18 to December 17, 1941, from the State of Oregon into the States of Iowa and Washington of a quantity of canned prunes that were adulterated, and of quantities of canned cherries that were misbranded. The articles were labeled in part: "Valley Home Brand Blue Plums (Prunes) * * * Distributed By Nash-Finch Co. Minneapolis, Minn.," "Silver Falls Cherries Dark Red Sour Pitted, In Water," or "Silver Falls Cherries Red Sour Pitted Choice Syrup."

The prunes were alleged to be adulterated in that they consisted in whole or in part of decomposed substances.

A portion of the canned cherries 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, but its quality fell below such standard since more than 15 percent by count of the