

VIOLATION CHARGED: Adulteration, Section 402 (a) (1), the product contained an added poisonous or deleterious substance, lead, which might have rendered it injurious to health.

DISPOSITION: December 12, 1943. No claim having been entered, the product was condemned and ordered destroyed.

5910. Adulteration of huckleberries. U. S. v. 37 Crates of Huckleberries. Default decree of condemnation and destruction. (F. D. C. No. 11295. Sample Nos. 58447-F to 58451-F, incl.)

LABEL FILED: December 11, 1943, District of Columbia.

PRODUCT: 37 crates, each containing 24 quarts, of huckleberries at the Terminal Refrigerating and Warehousing Corporation, to the account of the Statler Hotel, Washington, D. C.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of maggots.

DISPOSITION: January 28, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

FROZEN FRUITS AND FRUIT PRODUCTS

5911. Adulteration and misbranding of frozen blackberries. U. S. v. Millard F. Combs and Z. Vance Combs (M. F. Combs Co.) Pleas of nolo contendere. Fines \$400 and costs. (F. D. C. No. 10571. Sample Nos. 9936-F, 10212-F, 12043-F, 12044-F.)

INFORMATION FILED: November 11, 1943, Western District of Washington, against Millard F. Combs and Z. Vance Combs, trading as partners under the name M. F. Combs Co., at Puyallup and Tacoma, Wash.

ALLEGED SHIPMENT: From on or about November 25, 1942, to February 8, 1943, from the State of Washington into the States of Louisiana and California.

LABEL, IN PART: (Barrels) "Straight Blackberries * * * Washington Brand."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), water had been substituted in part for straight blackberries.

Misbranding, Section 403 (a), the statement "Straight Blackberries," borne on the barrels, was false and misleading since the article did not consist solely of blackberries, but consisted in part of added water.

DISPOSITION: December 18, 1943. Pleas of nolo contendere were entered and each defendant was fined \$200 and costs.

5912. Adulteration of frozen cherries. U. S. v. 123 Cans and 37 Cans of Frozen Cherries. Consent decree of condemnation. Product ordered released under bond for use for fermentation or distillation purposes. (F. D. C. No. 11049. Sample Nos. 29753-F, 29754-F.)

LABEL FILED: November 3, 1943, Northern District of California.

ALLEGED SHIPMENT: August 30, 1943, by the Loveland Canning Corporation, Denver, Colo.

PRODUCT: A total of 160 cans of frozen cherries at San Francisco, Calif.

LABEL, IN PART: "Montmorency R. S. P. Cherries."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: April 13, 1944. A default decree of condemnation and destruction was ordered; on June 15, 1944, the default decree was vacated and a consent decree was entered condemning the product but providing for its release, under bond, to the C. Shilling Co., claimant, for fermentation or distillation purposes, under the supervision of the Food and Drug Administration.

5913. Adulteration of frozen fig puree (frozen crushed figs) and frozen sweetened crushed figs. U. S. v. 2,185 Cartons of Frozen Fig Puree (and 5 other seizure actions against frozen figs and fig puree). Decrees of condemnation. Products ordered released under bond for conversion into wine. (F. D. C. Nos. 11608, 11676, 11678, 11684, 11696, 11719. Sample Nos. 28092-F, 28093-F, 28095-F, 28096-F, 36671-F, 50254-F, 50255-F, 58459-F, 58615-F, 58619-F.)

LABELS FILED: January 8 and 20, 1944, District of Columbia; January 20, 1944, Northern District of Georgia; January 24 and 26, 1944, Western District of Pennsylvania.

ALLEGED SHIPMENT: From on or about September 29 to November 13, 1943, by the R. D. Pringle Co., Ogden, Utah.

PRODUCT: 2,615 cartons at Washington, D. C.; 2,524 cartons at Atlanta, Ga.; 3,343 cartons at Pittsburgh, Pa.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of decomposed substances.

DISPOSITION: February 2, March 1, and March 11, 1944. R. D. Pringle having appeared as claimant, judgments of condemnation were entered and the products were ordered released under bond for conversion into wine, under the supervision of the Food and Drug Administration.

5914. Adulteration of frozen peaches. U. S. v. 47 Barrels and 1,289 Cartons of Frozen Peaches. Decree of condemnation. Product ordered released under bond to be used in wine making. (F. D. C. No. 10787. Sample No. 23856-F.)

LIBEL FILED: September 17, 1943, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about September 2, 1943, from Columbus, Ohio, by the Southland Products Co.

PRODUCT: 47 barrels, each containing 350 pounds, and 1,289 cartons, each containing .25 pounds, of frozen peaches at Philadelphia, Pa.

LABEL, IN PART: (Barrels) "Peaches Elbert," (cartons) "Crozet Frozen Fruit Packed By Crozet Cold Storage Corp Crozet Virginia."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of rotten and fermented peaches.

DISPOSITION: October 22, 1943. The Southland Products Co. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be used in the making of wine or brandy, under the supervision of the Food & Drug Administration.

5915. Adulteration of frozen peaches. U. S. v. 1,659 Cans of Frozen Peaches. Consent decree of condemnation. Product ordered released for salvaging, upon deposit of cash collateral. (F. D. C. No. 11146. Sample No. 46675-F.)

LIBEL FILED: November 19, 1943, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about October 9, 1943, by the George A. Gardella Co., Denver, Colo.

PRODUCT: 1,659 cans of frozen peaches at Detroit, Mich.

LABEL, IN PART: "Halves Colo Elberta Yellow Freestone Peaches * * * Packed By Horn Processing Co. Grand Junction Colorado For Beatrice Creamery Co Denver, Colorado."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

Examination showed that the product was in whole or in part fermented.

DISPOSITION: January 20, 1944. The George A. Gardella Co., claimant, having admitted the facts alleged in the libel, judgment of condemnation was entered and the product was ordered released, upon deposit of cash collateral, to be salvaged, and/or relabeled in part as fit for human consumption, and in part as unfit for human consumption, but fit for use for technical purposes, under the supervision of Food and Drug Administration.

MISCELLANEOUS FRUIT PRODUCTS

5916. Adulteration of fig paste. U. S. v. 2 Cases of Fig Paste (and 1 other seizure action against fig paste). Decrees of condemnation. One lot ordered destroyed; remaining lot ordered released for distillation into spirits. (F. D. C. Nos. 11894, 12307. Samples Nos. 65790-F, 71404-F.)

LIBELS FILED: February 26, 1944, Southern District of New York; May 17, 1944, Western District of Washington.

ALLEGED SHIPMENT: From on or about November 6, 1943, to February 15, 1944, by Koligian Bros., Fresno, Calif.

PRODUCT: 2 80-pound cases of fig paste at New York, N. Y., and 1,000 80-pound cases of fig paste at Seattle, Wash.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of filthy substances. The lot at New York contained insects, larvae, and insect fragments, and the lot at Seattle contained larvae and rodent-type hairs.