6306. Adulteration and misbranding of canned gooseberries. U. S. v. 18 Cases of Canned Gooseberries. Default decree of condemnation. Product ordered delivered to a government institution. (F. D. C. No. 10775. Sample No. 12629-F.)

LIBEL FILED: September 16, 1943, Western District of Washington.

ALLEGED SHIPMENT: On or about June 16, 1943, by the Paulus Bros., Packing Co., from Salem, Oreg.

PRODUCT: 18 cases, each containing 24 jars, of canned gooseberries at Seattle, Wash.

LABEL, IN PART: (Jars) "Blue Tag Gooseberries."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), a liquid packing medium had been substituted in whole or in part for gooseberries, which the article purported and was represented to be.

Misbranding, Section 403 (d), the containers were so filled as to be misleading because the berries had separated into sinkers and floaters in such a fashion that there was a space hidden from view behind the band label which contained packing medium only.

DISPOSITION: October 10, 1944. The Paulus Bros. Packing Co., claimant, having withdrawn its claim and answer, judgment of condemnation was entered and the product was ordered delivered to a government institution.

6307. Adulteration of canned prunes. U. S. v. 200 Cases of Water Pack Prunes (and 1 other seizure action against canned prunes). Default decree of condemnation and destruction with respect to 1 lot; remaining lot ordered released under bond for segregation of the fit portion from the unfit portion. (F. D. C. Nos. 11250, 12375. Sample Nos. 55272-F, 65600-F.)

LIBEL FILED: December 13, 1943, Eastern District of Washington; May 20, 1944, District of Idaho.

ALLEGED SHIPMENT: From on or about November 8 to December 14, 1943, by the Spencer Packing Co., Lebanon, Oreg.

PRODUCT: 200 cases, each containing 6 No. 10 cans, of prunes at Spokane, Wash., and 166 cases, each containing 6 No. 10 cans, of prunes at Boise, Idaho.

LABEL, IN PART: "Tradewell Brand Water Pack Prunes * * * Packed by Lebanon Fruit Growers Association Lebanon, Oregon, USA," or "Spencerian Brand Water Pack Fresh Prunes."

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

DISPOSITION: February 16, 1944. The Spencer Packing Co. having appeared as claimant for the lot located at Spokane, Wash., and having admitted the allegations of the libel, judgment was entered ordering the product released under bond for segregation of the fit portion from the unfit portion, under the supervision of the Food and Drug Administration. On July 14, 1944, no claimant having appeared for the lot located at Boise, Idaho, judgment of condemnation was entered and the product was ordered destroyed.

6308. Adulteration of canned black raspberries. U. S. v. 100 Cases and 35 Cases of Canned Black Raspberries. Default decrees of condemnation and destruction. (F. D. C. Nos. 11561, 11562. Sample Nos. 43714-F, 47656-F.)

LIBELS FILED: December 31, 1943, and on or about January 4, 1944, Southern District of Iowa, Western District of Missouri.

ALLEGED SHIPMENT: On or about September 4 and 20, 1943, by the Michigan Fruit Canners, Inc., from Benton Harbor, Mich.

PRODUCT: Black raspberries: 100 cases, each containing 24 15-ounce cans at Kansas City, Mo., and 35 cases, each containing 6 No. 10 cans, at Des Moines, Iowa.

This product contained moldy berries.

LABEL, IN PART: (Cans) "Water Pack Climber Michigan Black Raspberries," or "Lee Black Raspberries * * * Distributors H. D. Lee Mercantile Co., Kansas City, Mo., Salina, Kas."

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

DISPOSITION: February 14 and March 13, 1944. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.