

CHARGE: 402(b) (2)—when shipped, water had been substituted in part for oysters; 403(a)—the label statement "Oysters" was false and misleading as applied to a product consisting in part of water; and 403(i) (2)—the article was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient, since added water had not been declared.

DISPOSITION: 9-23-63. Consent—claimed by Tilghman Packing Co., and destroyed.

FRUITS AND VEGETABLES

FRUIT BUTTER AND PRESERVES

29672. Apple butter. (F.D.C. No. 49051. S. No. 47-603 X.)

QUANTITY: 79 cases, 12 1-lb. 9-oz. jars each, at Memphis, Tenn.

SHIPPED: 5-29-63, from St. Louis, Mo., by Blanke-Baer Extract & Preserving Co.

LABEL IN PART: (Jar) "Win-You Pure Apple Butter * * * Blanke-Baer Extract & Preserving Co., St. Louis, Mo."

LIBELED: 7-22-63, W. Dist. Tenn.

CHARGE: 402(a) (3)—contained sand and was gritty, when shipped.

DISPOSITION: On 10-16-63, Blanke-Baer Extract & Preserving Co. claimed the article and filed an answer denying that the article was adulterated. On 12-31-63, the Government served interrogatories on the claimant. On 2-19-64, the claimant served interrogatories on the Government. Thereafter both parties filed answers to some of the interrogatories. On 6-30-64, the claimant abandoned its claim to the article, and a consent decree of condemnation and destruction was entered.

29673. Imitation red raspberry preserves. (F.D.C. No. 47814. S. No. 70-633 T.)

QUANTITY: 49 cases, 12 jars each, at Minneapolis, Minn.

SHIPPED: 1-29-62, from Fargo, N. Dak.

LIBELED: 8-1-62, Dist. Minn.

CHARGE: 402(a) (3)—while held for sale, contained mold.

DISPOSITION: 9-26-62. Default—destruction.

MISCELLANEOUS FRUIT PRODUCTS

29674. Canned grapefruit juice (3 seizure actions). (F.D.C., Nos. 46329, 46444, 46469. S. Nos. 16-624 R; 46-045/6 R; 3-612 R, 4-661 T.)

QUANTITY: 16, 183 cases, 12 1-qt. 14-oz. cans each, at Columbus, Ohio; 12,014 cases, 12 1-qt. 14-oz. cans each, at Forest Park, Ga.; and 1,182 cases, 12 1-qt. 14-oz. cans each; at Norfolk, Va.

SHIPPED: Between 3-1-61 and 3-21-61, from Howey In The Hills, Fla., by General Juices Corp.

LABEL IN PART: (Can) "Life Guard Brand Unsweetened Florida Grapefruit Juice Contents * * * General Juices Corporation, Howey In The Hills, Florida."

CHARGE: 402(b) (3)—when shipped, the inferiority of the article had been concealed by the addition of an alkaline sodium compound; 402(b) (4)—an

alkaline sodium compound had been added to the article so as to make it appear better or of greater value than it was, namely, to make it appear to be the juice from mature fruit; and 403(i) (2)—the label of the article failed to bear the common or usual name of each ingredient.

LIBELED: 9-6-61, S. Dist. Ohio; 9-11-61, N. Dist. Ga.; and 10-2-61, E. Dist. Va.

DISPOSITION: On 10-16-61 and 10-19-61, respectively, after the articles seized at Forest Park, Ga., and Columbus, Ohio, had been claimed by General Juices Corp., both the case in the Northern District of Georgia and the case in the Southern District of Ohio were removed to the Eastern District of Virginia. On 4-2-62, after the article seized at Norfolk, Va., had also been claimed by General Juice Corp., a consent decree of condemnation was entered in that case which permitted the segregation of that article and the bringing of that article into compliance with law. On 7-31-62, similar consent decrees of condemnation were filed as to the articles seized at Forest Park, Ga., and Columbus, Ohio, to which decrees the claimant consented without admitting that the articles were either adulterated or misbranded. Thereafter, the articles from three actions were segregated and 13,419 cases which were found to be violative were returned under bond to the dealer's plant in Florida, where 14 cases were destroyed and 13,405 cases were relabeled as a drink for export.

29675. Glaced pineapple halves. (F.D.C. No. 50289. S. No. 61-074 A.)

QUANTITY: 60 unlabeled 10-lb. trays, at Los Angeles, Calif., in possession of Mission Pak, Inc.

SHIPPED: 8-24-60, from Cuba.

RESULTS OF INVESTIGATION: The article had been shipped in bulk as above and had been subsequently glazed and repacked into trays by the dealer, Mission Pak, Inc.

LIBELED: 6-5-64, S. Dist. Calif.

CHARGE: 402(a) (3)—contained rodent excreta pellets; insects, insect parts, and insect excreta; and 402(a) (4)—packed and held under insanitary conditions.

DISPOSITION: 7-13-64. Default—destruction.

VEGETABLES AND VEGETABLE PRODUCTS*

29676. Frozen broccoli. (F.D.C. No. 49663. S. No. 77-920 X.)

QUANTITY: 1,050 cases, each containing 12 10-oz. pkgs., at Jersey City, N.J.

SHIPPED: 11-6-63, from Salinas, Calif., by D'Arrigo Bros. Co.

LABEL IN PART: (Pkg.) "Andy Boy Selected Broccoli Spears Fresh Frozen * * * Packed for D'Arrigo Bros. Co., San Jose, Calif., Boston, Mass."

LIBELED: On or about 1-16-64, Dist. N.J.

CHARGE: 402(a) (2) (C)—when shipped, the article consisted of endrin, a food additive, which was unsafe within the meaning of 409 since it, its use, or intended use were not in conformity with a regulation or exemption.

DISPOSITION: 2-13-64. Default—destruction.

29677. Canned corn. (F.D.C. No. 49712. S. No. 67-001 X.)

QUANTITY: 68 cases, 6 6-lb. 10-oz. cans each, at Bethesda, Md.

SHIPPED: 4-16-63, from Washington, D.C., by L. H. Parke Co.

*See also Nos. 29614, 29631, 29635.