MISCELLANEOUS FRUIT PRODUCT

30053. Strawberry puree. (F.D.C. No. 50252. S. No. 68–189 A.)

QUANTITY: 138 cases, each containing 6 3-qt. cans, at Fargo, N. Dak.

SHIPPED: 6–2–64, from Humboldt, Tenn., by J. Hungerford Smith Co.

LABEL IN PART: (Case) "J. Hungerford Smith's * * * Humboldt—Strawberry Puree Sweetened * * * Rochester, N.Y. Humboldt, Tenn. Modesto, Calif." and (can) "J. Hungerford Smith's Cream-Pak Brand Humboldt * * * Strawberry Puree."

LIBELED: 7–9–64, Dist. N. Dak.

CHARGE: 402(a)(3)—contained decomposed strawberries when shipped.

DISPOSITION: 8–31–64. Default—destruction.

PRESERVES

30054. Fig preserves. (F.D.C. No. 50723. S. No. 72–877 A.)

QUANTITY: 67 cases, each containing 12 14½-oz. jars, at Montgomery, Ala.

SHIPPED: 9–13–64, from League City, Tex., by J. Garth Co.

LABEL IN PART: (Jar) "Sunday Dinner Brand Famous Old Fashion Preserved Figs * * * Packed for Schloss & Kahn, Inc., Montgomery, Ala."

RESULTS OF INVESTIGATION: The articles contained approximately 62.5 percent of soluble solids.

LIBELED: 11–2–64, M. Dist. Ala.

CHARGE: 403(g)(1)—when shipped, the article failed to conform to the definition and standard of identity for fig preserves as prescribed by regulations since it contained less than 65 percent soluble solids as determined by the method prescribed in the definitions and standard.

DISPOSITION: On or about 12–7–64, Schloss & Kahn, Inc., filed a claim of ownership. On 1–16–65, the Government served interrogatories and a request for admissions. On 2–2–65, upon consent of the claimant, a consent decree of condemnation was filed and the article was subsequently relabeled as "Imitation Fig Preserves."

VEGETABLES AND VEGETABLE PRODUCTS

30055. Dried pinto beans, Great Northern beans, and red beans. (Inj. No. 498.)

COMPLAINT FOR INJUNCTION FILED: 9–16–64, Dist. Idaho, against Pearl F. Ahlquist, t/a Wendell Elevator Co., Wendell, Idaho, and Melvin L. Gates, Charles E. Freeman, and Blair Smith, manager, bookkeeper, and warehouseman, respectively, of the Wendell Elevator Co.

CHARGE: The complaint alleged that the defendants were engaged in receiving, storing, processing, bagging, and introducing and causing to be introduced into interstate commerce and delivering and causing to be delivered for introduction into interstate commerce, pinto beans, Great Northern beans, and red beans for human consumption which were adulterated within the meaning of 402(a)(3) because of the presence of rodent urine and/or rodent excreta pellets, and within the meaning of 402(a)(4) because they had been prepared, packed, or held at the plant of the Wendell Elevator Co. under insanitary conditions..

It was alleged further that the insanitary conditions of the Wendell Elevator Co.'s plant resulted from and consisted of the presence of the following: