LABEL IN PART: (Case) "Signal Blue Goose Packed by Western Fruit Growers Packing Company, Redlands, California."

LIBELED: 3-5-63, W. Dist. Mo.

CHARGE: 402(a)(3)—the article was unfit for food due to freeze damage when shipped.

DISPOSITION: 3-12-63. Consent—claimed by Blue Goose Growers, Inc., and Western Trust Growers Packing Co. Segregated; approximately 202 cases of the 236 cases actually seized were processed for juice and 75 lbs. were destroyed.

MISCELLANEOUS FRUIT PRODUCTS

29059. Apple cider. (F.D.C. No. 46679. S. No. 42-526 R.)

INFORMATION FILED: 11-7-62, N. Dist. Calif., against George Blaufuss, Jr., Napa, Calif.

SHIPPED: 11-1-60, from Napa, Calif., to Hilo, Hawaii.

LABEL IN PART: (Ctn.) "Saxon Half Gallons Pure Apple Cider George Blaufuss & Son, Napa, Calif."

CHARGE: 402(a)(3)—when shipped, the article consisted in part of a decomposed substance by reason of the use of decomposed apples in its manufacture and in part of a filthy substance by reason of the use of wormy apples in its manufacture; and 402(a)(4)—prepared under insanitary conditions.

PLEA: Nolo contendere.

DISPOSITION: 3-13-63. Probation for 1 year.

29060. Apple juice. (F.D.C. No. 47893. S. No. 34-269 R.)

INFORMATION FILED: 11-27-62, S. Dist. N.Y., against Dall Vechia & Son Cider Mill, a partnership, Highland, N.Y., and Joseph Dall Vechia, Sr., and Joseph Dall Vechia, Jr., partners.

ALLEGED VIOLATIONS: The defendants gave to a firm engaged in the business of shipping apple juice and products made from apple juice in interstate commerce, a continuing guaranty that each shipment of apple juice made by the defendant would not be adulterated within the meaning of the Federal Food, Drug, and Cosmetic Act. Thereafter, on 10-27-60, the defendants caused a quantity of apple juice which was adulterated to be delivered to the holder of the guaranty.

CHARGE: 402(a)(3)—consisted of a decomposed substance by reason of its manufacture from rotten apples and of a filthy substance by reason of the presence of insects and insects parts; and 402(a)(4)—prepared under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 1-10-63. Partnership—sentence suspended; individual defendants—$500 fine each.

VEGETABLES AND VEGETABLE PRODUCTS*

29061. Dried beans and dried peas. (Inj. No. 440.)

COMPLAINT FOR INJUNCTION FILED: 9-4-62, Dist. Idaho, against John F. Grisez, t/a Valley Bean & Grain Co., Murtaugh, Idaho, Stephen J. Perkins, manager

*See also Nos. 29030, 29031.

of the Valley Bean & Grain Co., Magic Valley Bean Co., Inc., Kimberly, Idaho, Donald L. Berger and Francis J. Lewis, president and vice president, respectively, of the corporation, and Cleo H. Barth, t/a C. H. Barth Co., Twin Falls, Idaho.

CHARGE: The complaint alleged that John F. Grisez and Stephen J. Perkins were engaged in processing and storing at the plant of the Valley Bean & Grain Co., Murtaugh, Idaho, and in delivering to the Magic Valley Bean Co., Inc., and to Cleo H. Barth for shipment into interstate commerce, and in shipping in interstate commerce, pursuant to orders received from such corporations and Cleo H. Barth, beans and peas for human consumption which were adulterated within the meaning of 402(a)(3) because of the presence of rodent urine and bird excrement, and within the meaning of 402(a)(4) because they had been processed and held at the plant of the Valley Bean & Grain Co. under insanitary conditions.

It was alleged further that the insanitary conditions of the Valley Bean & Grain Co.'s plant resulted from and consisted of the presence of the following:

a. In the Southwest Warehouse Building—Several mice (both alive and dead); thousands of mouse pellets throughout the warehouse, including an estimated average of 25 per 6 square inches of floor space along the wall-floor junction, and thousands of mouse pellets on the bags of beans, peas, and seed wheat stored in the warehouse; and bags of beans and peas containing mouse nests, holes gnawed by mice, and rodent urine.

b. In the East Warehouse—Several mice (both alive and dead), live sparrows, numerous mouse pellets, including an estimated average of 1 pellet per 5 linear feet along the wall-floor junction, and approximately 50 pellets in a 2-square-foot area on each side of the loading doors; bags of food containing rodent urine and bird excrement; and Tribolium insects in the elevator section of the warehouse.

The complaint alleged further that John F. Grisez, Stephen J. Perkins, the Magic Valley Bean Co., Inc., Donald L. Berger, Francis J. Lewis, and Cleo H. Barth caused the introduction and delivery for introduction into interstate commerce of beans and peas which had been processed and held at the Valley Bean & Grain Co.'s plant and which were adulterated as described above.

DISPOSITION: 9–4–62. The defendants, having consented to the entry of a decree without admitting the allegations of adulteration, the court entered a decree of permanent injunction which provided as follows:

(1) That John F. Grisez and Stephen J. Perkins be enjoined from directly or indirectly causing the introduction and delivery for introduction into interstate commerce, and more particularly from delivering or causing to be delivered to persons in the State of Idaho known to be engaged in the distribution of beans and peas in interstate commerce, beans and peas for human consumption and any similar articles of foods processed or held at the Valley Bean & Grain Co.'s plant at Murtaugh, Idaho, unless and until:

(a) such plant is thoroughly cleaned and renovated and rendered suitable for use in connection with the processing and storing of beans and peas for human consumption and any similar article of food, to wit, unless and until all rodent, bird, and insect filth is removed from the plant; all rodent, bird, and insect infestation in and about the plant is eliminated; the means of ingress and egress of the plant by rodents, birds, and insects are closed; and any similar insanitary conditions are eliminated; and

(b) all of the beans and peas which are on hand at the plant at the time the plant is cleaned, renovated, and rendered suitable for the processing and storing of beans and peas for human consumption, are destroyed, denatured for use as animal feed or for use as seed, or cleaned or otherwise brought into compliance with the law under the supervision of a duly authorized representative of the Food and Drug Administration, Department of Health, Education, and Welfare, and all expenses of such supervision being paid by John F. Grisez and Stephen J. Perkins.

(2) That the Magic Valley Bean Co., Inc., Donald L. Berger, Francis J. Lewis, and Cleo H. Barth be enjoined from directly or indirectly causing to be introduced and delivered for introduction into interstate commerce, and more particularly from delivering or causing to be delivered to persons in the State of Idaho known to be engaged in the distribution of beans and peas in interstate commerce, beans and peas for human consumption and any similar articles of food which have been processed or held at the plant of the Valley Bean & Grain Co. at Murtaugh, Idaho, unless and until all of the beans and peas which are held by such defendants at any place other than the Valley Bean & Grain Co.'s plant are denatured for use as animal feed or for use as seed or cleaned or otherwise brought into compliance with the law under the supervision of the Food and Drug Administration with all expenses of such supervision being paid by such defendants.

(3) That the defendants, John F. Grisez, Stephen J. Perkins, Magic Valley Bean Co., Inc., Donald L. Berger, Francis J. Lewis, and Cleo H. Barth be enjoined from directly or indirectly causing to be introduced and delivered for introduction into interstate commerce and more particularly from delivering or causing to be delivered to persons in the State of Idaho known to be engaged in the distribution of beans and peas in interstate commerce, beans and peas for human consumption and any similar articles of food received, processed, or stored by the defendants, which food is adulterated within the meaning of 402(a) (3) and (4).

29062. Dried Great Northern beans. (F.D.C. No. 49251. S. No. 392 X.)

QUANTITY: 22 100-lb. bags at Winston-Salem, N.C.

SHIPPED: 11-28-62, from Denver, Colo.

LIBELED: 9-5-63, M. Dist. N.C.

CHARGE: 402(a)(3)—contained rodent urine while held for sale.

DISPOSITION: 9-27-63. Default—destruction.

29063. Navy beans. (F.D.C. No. 48836. S. No. 67-506 V.)

QUANTITY: 130 100-lb. bags, at Atlanta, Ga.

SHIPPED: 3-1-63, from Lowell, Mich.

LIBELED: 4-9-63, N. Dist. Ga.

CHARGE: 402(a)(3)—contained rodent urine while held for sale.

DISPOSITION: 5-14-63. Consent—claimed by H. C. Runcinan Co., Lowell, Mich. Segregated; 47 100-lb. bags destroyed.

29064. Navy beans (2 seizure actions). (F.D.C. No. 48504. S. Nos. 46-179 V, 46-180 V.)

QUANTITY: 501 100-lb. bags, at Moberly, Mo., in possession of Temple-Stephens Co., Inc.