

8402. Adulteration of frozen whiting. U. S. v. 72 Boxes of Frozen Whiting. Default decree of condemnation and destruction. (F. D. C. No. 14985. Sample Nos. 96481-F, 17801-H.)

LIBEL FILED: On or about January 26, 1945, Northern District of Illinois.

ALLEGED SHIPMENT: On or about October 21, 1943, by the Standard Fish Co., from Boston, Mass.

PRODUCT: 72 15-pound boxes of frozen whiting at Chicago, Ill.

LABEL, IN PART: "Standard Brand Butterfly Whiting."

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

DISPOSITION: March 13, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

FRUITS AND VEGETABLES*

CANNED FRUIT

8403. Misbranding of canned apricots. U. S. v. 1,247 Cases and 45 Cases of Canned Apricots. Decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 15160, 15171. Sample Nos. 59964-F, 73168-F.)

LIBELS FILED: On or about January 30 and February 5, 1945, District of Idaho and Northern District of Illinois.

ALLEGED SHIPMENT: On or about August 25 and September 27, 1944, by the Hunt Brothers Packing Co., from Hayward, Calif.

PRODUCT: 1,247 cases and 45 cases, each containing 24 cans, of apricots at Chicago, Ill., and Boise, Idaho, respectively.

LABEL, IN PART: "Hunt's Supreme Quality Fancy Peeled Whole Apricots."

VIOLATION CHARGED: Misbranding, Section 403 (g) (2), the product failed to bear, as required by the regulations, the name of the optional packing medium, since the label of the Chicago lot bore the statement, "In Extra Heavy Syrup," but the apricots were packed in heavy sirup; and the label of the Boise lot bore the statement, "In Heavy Syrup," but the apricots were packed in light sirup.

DISPOSITION: March 5 and 29, 1945. The Hunt Brothers Packing Co., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

8404. Misbranding of canned apricots. U. S. v. 40 Cases of Canned Apricots. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14761. Sample No. 83888-F.)

LIBEL FILED: December 20, 1944, Western District of Washington.

ALLEGED SHIPMENT: On or about October 17, 1944, by the Frank Raiter Canning Co., from Salinas, Calif.

PRODUCT: 40 cases, each containing 24 1-pound, 13-ounce cans, of apricots at Seattle, Wash.

LABEL, IN PART: "Red Sail Whole Peeled Apricots in Light Syrup."

VIOLATION CHARGED: Misbranding, Section 403 (g) (2), the article failed to bear, as required by the regulations, the name of the optional packing medium present, since its label bore the statement, "In Light Syrup," whereas the apricots were packed in sirup designated in the regulations as "slightly sweetened water."

DISPOSITION: March 19, 1945. The Frank Raiter Canning Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

8405. Misbranding of canned apricots. U. S. v. 98 Cases of Canned Apricots. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14331. Sample No. 73162-F.)

LIBEL FILED: November 1, 1944, Southern District of Iowa.

ALLEGED SHIPMENT: On or about September 22, 1944, by the Turlock Cooperative Growers, from Oakland, Calif.

PRODUCT: 98 cases, each containing 24 cans, of apricots at Davenport, Iowa.

*See also Nos. 8301-8305, 8491.

LABEL, IN PART: "Blue Winner Whole Unpeeled Apricots."

VIOLATIONS CHARGED: Misbranding, Section 403 (h) (1), the product purported to be and was represented as canned apricots, a food for which a standard of quality has been prescribed by the regulations, but its quality fell below the standard since the weight of the largest unit in the container was more than twice the weight of the smallest unit therein; and, Section 403 (h) (2), it also fell below the standard for fill of container prescribed by the regulations, since there was not present in the container the maximum quantity of the apricot ingredient which could be sealed in the container and processed by heat to prevent spoilage, without crushing the ingredient, and it failed to bear a label stating that it fell below such standard.

DISPOSITION: June 12, 1945. The Lagomarcino Grupe Co., Davenport, Iowa, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released for relabeling, under the supervision of the Food and Drug Administration.

8406. Misbranding of canned apricots. U. S. v. 68 Cases of Canned Apricots. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 14835. Sample No. 74775-F.)

LABEL FILED: January 5, 1945, District of Oregon.

ALLEGED SHIPMENT: On or about August 21, 1944, by the Bercut-Richards Packing Co., from Sacramento, Calif.

PRODUCT: 68 cases, each containing 6 cans, of apricots at Portland, Oreg.

LABEL, IN PART: "Dundee Brand Sweetened Pie Apricots."

VIOLATIONS CHARGED: Misbranding, Section 403 (g) (2), the article failed to conform to the definition and standard of identity which has been prescribed by the regulations for canned apricots, since its label failed to bear the name of the optional apricot ingredient present, peeled halves; and, Section 403 (h) (1), it failed to conform to the standard of quality prescribed by the regulations for canned apricots since the apricots were in containers holding 20 or more apricot units, and more than 5 percent of the units in the container were crushed and broken.

DISPOSITION: February 7, 1945. Hudson-Duncan and Co., Portland, Oreg., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

8407. Adulteration of olives. U. S. v. 128 Cases of Olives. Default decree of condemnation and destruction. (F. D. C. No. 15089. Sample No. 303-H.)

LABEL FILED: January 31, 1945, Southern District of Florida.

ALLEGED SHIPMENT: On or about December 30, 1944, by Quartermaster S. O., Atlanta A. S. F. Depot, from Atlanta, Ga.

PRODUCT: 1 case containing 4 1-gallon jars; 75 cases, each containing 12 10-ounce jars; and 52 cases, each containing 12 21-ounce jars, of olives at Jacksonville, Fla. Examination showed that the product was undergoing fermentation.

LABEL, IN PART: "Yacht Club Spanish Queen Olives," or "Monarch Spanish Queen Olives."

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

DISPOSITION: April 9, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8408. Misbranding of canned, diced peaches and pears. U. S. v. 248 Cases of Diced Peaches and Pears. Consent decree ordering that the product be released under bond. (F. D. C. No. 14946. Sample No. 85945-F.)

LABEL FILED: January 2, 1945, District of Colorado.

ALLEGED SHIPMENT: On or about November 9, 1944, by Flotill Products, Inc., from Modesto, Calif.

PRODUCT: 248 cases, each containing 24 cans, of peaches and pears at Denver, Colo. This product consisted of chopped (irregularly cut and disintegrated) peaches and pears.

LABEL, IN PART: "Flotill Diced Peaches and Pears in Heavy Syrup."

VIOLATION CHARGED: Misbranding, Section 403 (a), the label statement, "Diced," and the vignette depicting diced peaches and pears were false and misleading as applied to an article containing chopped peaches and pears.