

**9500. Adulteration of Cheddar cheese. U. S. v. Fremont County Dairymen's Cooperative Marketing Association. Plea of guilty. Fine, \$100. (F. D. C. No. 19035. Sample Nos. 43416-H, 43417-H.)**

**INFORMATION FILED:** March 8, 1946, District of Wyoming, against the Fremont County Dairymen's Cooperative Marketing Association, a corporation, Hudson, Wyo.

**ALLEGED SHIPMENT:** On or about August 18 and 25, 1945, from the State of Wyoming into the State of California.

**NATURE OF CHARGE:** Adulteration, Section 402(a)(3), the product consisted in whole or in part of a filthy substance by reason of the presence of maggots, larvae, whole insects, insect fragments, feather barbules, and a rodent hair; and, Section 402(a)(4), it had been prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** May 13, 1946. A plea of guilty having been entered, the defendant was fined \$100.

**9501. Adulteration of Cheddar cheese. U. S. v. 38 Cheddars of Cheese. Default decree of forfeiture. Product ordered sold for fish bait. (F. D. C. No. 18482. Sample No. 19519-H.)**

**LIBEL FILED:** December 3, 1945, Western District of Wisconsin.

**ALLEGED SHIPMENT:** On or about November 1, 1945, by the Farmersburg Cheese Factory, from Farmersburg, Iowa.

**PRODUCT:** 38 cheddars of cheese at Fennimore, Wis.

**NATURE OF CHARGE:** Adulteration, Section 402(a)(3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs, manure fragments, and insect fragments; and, Section 402(a)(4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** June 13, 1946. No claimant having appeared, judgment of forfeiture was entered and the product was ordered sold for fish bait.

## FRUITS AND VEGETABLES

### CANNED FRUIT\*

**9502. Misbranding of canned cherries. U. S. v. 299 Cases of Canned Cherries. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 18205. Sample No. 29919-H.)**

**LIBEL FILED:** November 1, 1945, Territory of Hawaii.

**ALLEGED SHIPMENT:** On or about September 6, 1945, by the United Grocers, Ltd., from San Francisco, Calif.

**PRODUCT:** 299 cases, each containing 24 1-pound, 14-ounce cans, of cherries at Honolulu, T. H. This product was packed in heavy sirup and not, as labeled, "Extra Heavy Syrup." It did not contain, as required by the regulations, the maximum quantity of cherries which could be sealed in the container and processed by heat to prevent spoilage, without crushing the cherries.

**LABEL, IN PART:** "Hunts Supreme Quality Fancy Royal Anne Light Sweet Cherries In Extra Heavy Syrup."

**NATURE OF CHARGE:** Misbranding, Section 403(g)(2), the product failed to conform to the definition and standard of identity for canned cherries since its label failed to bear the name of the optional packing medium present; and, Section 403(h)(2), the product fell below the standard of fill of container, and it failed to bear the substandard statement on its label.

**DISPOSITION:** July 1, 1946. The Hunt Foods, Inc., San Francisco, Calif., 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.

**9503. Adulteration of strained peaches. U. S. v. 2 Cases of Strained Peaches. Default decrees of condemnation and destruction. (F. D. C. Nos. 18851, 18852, 19653. Sample Nos. 9680-H, 50912-H, 56067-H.)**

**LIBELS FILED:** January 29 and 30 and April 24, 1946, Western District of Pennsylvania and District of Minnesota.

\*See also No. 9590.

**ALLEGED SHIPMENT:** Between the approximate dates of October 31, 1945, and January 24, 1946, by the American Home Foods, Inc., Clapp's Baby Food Division, from Rochester, N. Y.

**PRODUCT:** 38 cases at Pittsburgh, Pa., and 66 cases at Minneapolis, Minn., each case containing 72 cans of strained peaches.

**LABEL, IN PART:** "Clapp's Strained Baby Foods Strained Peaches \* \* \* Net Weight 4½ Oz."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of larvae and insect parts.

**DISPOSITION:** April 29 and May 6 and 15, 1946. No claimant having appeared, judgments were entered ordering that the Pittsburgh lots be condemned and destroyed, and that the Minneapolis lot be destroyed unless reprocessed for, and disposed of as, animal feed.

**9504. Misbranding of canned peaches. U. S. v. 198 Cases of Canned Peaches. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 18332. Sample No. 7311-H.)**

**LIBEL FILED:** On or about November 9, 1945, District of New Jersey.

**ALLEGED SHIPMENT:** On or about September 1, 1945, by the Ver-Nal Canning Co., from Ripon, Calif.

**PRODUCT:** 198 cases, each containing 24 1-pound, 13-ounce cans, of peaches at Newark, N. J.

**LABEL, IN PART:** "La Signora Brand \* \* \* Elberta Halves Yellow Peaches."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the product failed to conform to the standard of quality for canned peaches since the weight of the largest unit in the container was more than twice the weight of the smallest unit; since more than 20 percent of the units in the container were blemished; and since the product was not labeled as substandard.

**DISPOSITION:** March 26, 1946. The Caruso Products Distributing Corporation, Newark, N. J., claimant, having admitted the allegations of the libel, 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.

**9505. Misbranding of canned peaches. U. S. v. 48 Cases of Canned Peaches. Default decree of condemnation. Product ordered delivered to a public institution. (F. D. C. No. 18389. Sample No. 1313-H.)**

**LIBEL FILED:** November 19, 1945, Southern District of Florida.

**ALLEGED SHIPMENT:** On or about August 22, 1945, by Parrott and Co., from Thornton, Calif.

**PRODUCT:** 48 cases, each containing 6 6-pound, 7-ounce cans, of peaches at Jacksonville, Fla. Examination showed that the peaches consisted of peeled, mixed pieces of irregular sizes and shapes, packed in water.

**LABEL, IN PART:** (Cases) "Unl. Reg. Pie Y. C. Peaches Lt. Syrup." The cans were unlabeled when shipped.

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the label of statement "Lt. Syrup" was false and misleading as applied to an article packed in water; Section 403 (e), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; and, Section 403 (g) (2), the label of the article failed to bear, as required by the regulations prescribing a definition and standard of identity for canned peaches, the name of the food, preceded or followed by the name of the optional peach ingredient present, as well as the name of the optional packing medium present.

**DISPOSITION:** February 9, 1946. No claimant having appeared, judgement of condemnation was entered and the product was ordered delivered to a public institution.

**9506. Misbranding of canned peaches. U. S. v. 27 Cases of Canned Peaches. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 18708. Sample No. 30039-H.)**

**LIBEL FILED:** January 2, 1946, Eastern District of New York.