FRUITS AND VEGETABLES

DRIED FRUIT

26073. Evaporated apples. (F.D.C. No. 43291. S. No. 63–763 P.)

QUANTITY: 230 50-lb. ctns. at Natick, Mass.

SHIPPED: 5–16–59 and 5–18–59, from North Rose, N.Y., by B. Richardson Canning Co. (Allie P. Brown).

LABEL IN PART: "Evaporated Apples * * * A. P. Brown, North Rose."

LIBELED: 7–9–59, Dist. Mass.

CHARGE: 402(a)(3)—contained rodent excreta pellets and rodent hairs; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 11–9–59. Default—destruction.

FROZEN FRUIT

26074. Frozen boysenberries. (F.D.C. No. 38853. S. No. 18–963 M.)

QUANTITY: 380 30-lb. ctns. at Nashville, Tenn.

SHIPPED: Between 6–15–55 and 7–12–55, from Sanger, Manteca, and Modesto, Calif.

LIBELED: 2–16–56, M. Dist. Tenn.

CHARGE: 402(a)(3)—while held for sale, the article contained moldy boysenberries and was otherwise unfit for food by reason of crushed and broken condition of cartons exposing the contents to possible contamination.

DISPOSITION: On 11–1–56, the court entered a default decree of condemnation and ordered that the article be delivered to the Tennessee Orphans Home for use other than human consumption.

On 11–2–56, the marshal authorized the Tennessee Warehouse & Cold Storage Corp., Nashville, Tenn., where the article had remained during the course of the libel proceedings, to release the article to the Tennessee Orphans Home. Thereafter, the marshal's office furnished a representative of the Tennessee Orphans Home a copy of the decree of 11–1–56, with instructions to present the decree to the Tennessee Warehouse & Cold Storage Corp. as authorization to deliver the article to the Orphans Home representative. Upon arrival at the warehouse of the Tennessee Warehouse & Cold Storage Corp., the representative of the Orphans Home was advised that the article could not be located.

A petition was filed on 7–1–57, for an order to show cause why the Tennessee Warehouse & Cold Storage Corp. and Seymour Levin, president of such corporation, should not be punished for criminal contempt for disobedience to the court's orders as evidenced by the disappearance of the article. The contempt action came on for hearing before the court on 3–2–59, at which time the defendants entered their pleas of nolo contendere and were assessed a joint fine of $25.

26075. Frozen cranberries. (F.D.C. No. 43806. S. No. 75–317 P.)

QUANTITY: 652 60-lb bags at Chicago, Ill.

SHIPPED: 10–8–59, from Wisconsin Rapids, Wis., by Gottschalk Cranberry Co.

LIBELED: 11–16–59, N. Dist. Ill.; libel amended, 11–17–59.