

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.

CHARGE: 402(a)(2)—when shipped, the article was a raw agricultural commodity and contained a pesticide chemical, namely, aminotriazole, which is unsafe within the meaning of 408 since no tolerance or exemption from the requirement of a tolerance for such pesticide chemical on cranberries has been prescribed by regulations.

DISPOSITION: 12-8-59. Default—destruction.

MISCELLANEOUS FRUIT PRODUCT

26076. Orange juice. (F.D.C. Nos. 41919, 42011. S. Nos. 7-047/50 P, 7-584 P.)

QUANTITY: 741 cases, 24 18-oz cans each, and 1,249 cases, 12 46-oz. cans each, at East Hartford, Conn., and 262 cases, 24 1-pt. 2-oz. cans each, at East Providence, R.I.

SHIPPED: Between 1-14-58 and 5-2-58, from Anaheim, Calif., by E. A. Silzle Corp.

LABEL IN PART: (Can) " 'YOR' Garden California Unsweetened Orange Juice * * * First National Stores Inc. Distributors Somerville, Mass."

LIBELED: 7-15-58 and 8-29-58, Dist. Conn., and Dist. R.I.

CHARGE: 402(b)(2)—water had been substituted in part for orange juice; and 403(a)—the label statement "Orange Juice" was false and misleading as applied to an article composed of orange juice and water.

DISPOSITION: 9-1-59. E. A. Silzle Corp., having appeared as claimant and the libel action in Rhode Island having been removed to the District of Connecticut and consolidated with the libel action there pending, and the claimant having consented, judgment of condemnation was entered and the court ordered that the product be released under bond. The decree provided that the claimant should place labels on the article bearing the following statements: "For use as Orange Drink by the State of Connecticut only, not for dietetic purposes. Not to be resold under penalty of Federal law," and that the claimant should dispose of the article by sale for institutional purposes to the State of Connecticut.

JAMS

26077. Boysenberry jam and red raspberry jam. (F.D.C. No. 43592. S. Nos. 53-234 P, 53-237 P.)

QUANTITY: 49 cases, 12 2-lb. 11-oz. jars each, of boysenberry jam, and 73 cases, 12 10-oz. jars each, of red raspberry jam, at Phoenix, Ariz.

SHIPPED: Between 4-6-59 and 9-15-59, from Los Angeles, Calif., by Dixie Preserves, Ltd.

LABEL IN PART: (Jar) "Dixie * * * Boysenberry [or "Red Raspberry"] Jam Dixie Preserves Ltd., Los Angeles, California."

LIBELED: 10-14-59, Dist. Ariz.

CHARGE: 403(g)(1)—when shipped, the articles failed to conform to the definition and standard of identity for jams, since the articles were made from a mixture composed of less than 45 parts by weight of the specified fruit ingredient, to each 55 parts by weight of one of the sweetening ingredients specified in the definition and standard.

DISPOSITION: 11-25-59. Default—delivered to charitable institutions.