10622. Adulteration of raisins. U. S. v. 288 Boxes * * * (and 1 other seizure action). (F. D. C. Nos. 17884, 19923. Sample Nos. 9455–H, 46515–H.)

LIBELS FILED: October 8, 1945, and May 17, 1946, Western District of New York and District of Puerto Rico.

ALLEGED SHIPMENT: On or about June 26, 1945, and March 15, 1946, by Rosenberg Brothers and Co., from Modesto, Calif.

PRODUCT: Raisins. 288 30-pound boxes at Rochester, N. Y., and 497 30-pound cartons at Ponce, Puerto Rico.

LABEL, IN PART: "Ensign Brand Extra Fancy Golden Bleached Raisins," or "Ungraded Loose Muscat Raisins."

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 (Ponce lot) moldy raisins and (Rochester lot) larvae, cocoons, and moths.

DISPOSITION: November 23, 1945, and August 9, 1946. No claimant having appeared for the Rochester lot, and Monllor and Boscio, Inc., Ponce, Puerto Rico, having appeared as claimant for the Ponce lot, judgments of condemnation were entered. The Rochester lot was ordered destroyed, and the Ponce lot was ordered released under bond, conditioned that it be used in the manufacture of alcohol or brandy, under the supervision of the Federal Security Agency.

10623. Adulteration of raisins. U. S. v. 150 Cartons * * *. (F. D. C. No. 18077. Sample No. 14434–H.)

LIBEL FILED: November 8, 1945, Northern District of Ohio.

ALLEGED SHIPMENT: On or about October 20 and December 31, 1943, by the H. J. Heinz Co., from Pittsburgh, Pa.

PRODUCT: 150 cartons, each containing 25 or 30 pounds, of raisins at Akron, Ohio.

LABEL, IN PART: "Sun-Maid * * * Raisins."

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 insect-infested raisins.

DISPOSITION: December 5, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

FRESH AND FROZEN FRUIT

10624. Adulteration of apples. U. S. v. 375 Bushels and 150 Bushels * * *. (F. D. C. Nos. 18437, 18439. Sample Nos. 21929–H, 21933–H.)

LIBELS FILED: October 31 and November 2, 1945, Western District of Tennessee.

ALLEGED SHIPMENT: On or about October 12 and 20, 1945, by the Illinois Fruit Growers Exchange, from Pocahontas and Carbondale, Ill.

PRODUCT: 520 bushels of apples at Memphis, Tenn. These apples bore spray residue containing excessive lead.

LABEL, IN PART: "Golden Delicious * * * Grown and Packed By Doll Orchards, Pocahontas, Ill.," or "Rome Beauty * * * Packed for O. V. Cummins & Sons, Dix, Ill."

NATURE OF CHARGE: Adulteration, Section 402 (a) (1), the product contained an added poisonous or deleterious substance, lead, which may have rendered it injurious to health.

DISPOSITION: November 5, 1945. The Illinois Fruit Growers Exchange having consented to the entry of decrees, judgments of condemnation were 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. The attempt to remove the lead from 150 bushels of the apples by cleaning having been unsuccessful, the decree was amended to provide for elimination of the contaminant by peeling of the apples.

10625. Adulteration of blueberries. U. S. v. 5 Crates and 25 Flats * * *. (F. D. C. No. 18278. Sample No. 7464–H.)

LIBEL FILED: On or about August 21, 1945, Eastern District of New York.

ALLEGED SHIPMENT: On or about July 22, 1945, by T. Puleo, J. Franchetti, and R. Ford, from Hammonton, N. J.

PRODUCT: Blueberries. 4 crates, each containing 24 quarts, 1 crate, containing 21 quarts, and 25 flats, each containing 12 pints, at Brooklyn, N. Y. Examination of the product showed that it was infested with maggots.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance.

DISPOSITION: September 26, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10626. Adulteration and misbranding of frozen peaches. U. S. v. 1,891 Cans * * * (and 2 other seizure actions). (F. D. C. Nos. 18096, 18097, 18742. Sample Nos. 22790–H, 22791–H, 23471–H, 23472–H, 23500–H.)

LIBELS FILED: November 6 and December 21, 1945, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about August 6, 9, and 25, 1945, by the Tennessee Cold Storage and Warehouse Co., from Memphis, Tenn.

PRODUCT: 4,231 cans of frozen peaches at St. Louis, Mo. Examination showed that all lots of the product were fermenting, and that portions contained worms and insects. One lot was also short-weight.

LABEL, IN PART: "Frozen Elberta Peaches Syrup Pack Net wgt. 32 lbs. Hosier & Co. Forrest City, Ark."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), all lots of the product consisted in whole or in part of a decomposed substance, and portions consisted in whole or in part of a filthy substance.

Misbranding, Section 403 (e) (2), one lot of the product failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: January 18 and May 20, 1946. Lloyd A. Lamos, Grand Rapids, Mich., having appeared as claimant for a portion of the product, but having subsequently announced that he would not contest the action, and no claimant having appeared for the remainder of the product, judgments of condemnation were entered and the product was ordered sold, conditioned upon the adoption of such safeguards against its use for human consumption as may be directed by the Federal Security Agency.

MISCELLANEOUS FRUIT AND FRUIT PRODUCTS

10627. Adulteration and misbranding of raspberry preserves. U. S. v. Rosen Products, Inc., and Wolf Skolnick and Sam Skolnick. Pleas of guilty. Corporate defendant and each individual defendant fined $200. (F. D. C. No. 16559. Sample No. 81831–F.)

INFORMATION FILED: November 13, 1945, Eastern District of New York, against Rosen Products, Inc., Brooklyn, N. Y., and Wolf Skolnick, president, and Sam Skolnick, manager.

ALLEGED SHIPMENT: On or about May 24, 1944, from the State of New York into the State of Connecticut.

LABEL, IN PART: "Fruitcrest Pure Raspberry Preserve Packed For Fruitcrest Co. Brooklyn, N. Y."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, red raspberries, had been in whole or in part omitted; Section 402 (b) (2), a mixture consisting of black raspberry pomace, a saccharine ingredient, and red raspberries, or red raspberry pomace, had been substituted for red raspberry preserves; Section 402 (b) (3), inferiority had been concealed by the addition of black raspberry pomace; and, Section 402 (b) (4), black raspberry pomace had been added to the article and mixed and packed with it so as to make it appear to be red raspberry preserves.

Misbranding, Section 403 (g) (1), the article purported to be and was represented as raspberry (red raspberry) preserves and failed to conform to the definition and standard of identity for red raspberry preserves, since it was made from a mixture composed of less then 45 parts by weight of red raspberries to each 55 parts by weight of an optional saccharine ingredient, as required by the standard, and it contained black raspberry pomace, which is not permitted as an optional ingredient in red raspberry preserves.

DISPOSITION: June 19, 1946. Pleas of guilty having been entered on behalf of the 3 defendants, the court imposed a fine of $200 against each defendant, a total fine of $600.