12109. Misbranding of canned fruit cocktail and fruit for salad. U. S. v. 13,494 Cases * * *. (F. D. C. No. 22139. Sample No. 46950–H.)

LIBEL FILED: January 8, 1947, Southern District of New York.

ALLEGED SHIPMENT: On or about November 29, 1946, by Hunt Foods, Inc., from San Francisco, Calif.

PRODUCT: 13,494 cases, each containing 24 1-pound, 14-ounce cans, of fruit cocktail and fruit for salad at New York, N. Y.

LABEL, IN PART: "Hunt's Fruit Cocktail [or "Fruit for Salad"]."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the article labeled "Fruit Cocktail" failed to conform to the definition and standard of identity for canned fruit cocktail, since the article contained, in the mixture of drained fruit, more than 50 percent, by weight, of pitted, peeled, and diced peaches, and less than 25 percent, by weight, of peeled, cored, and diced pears (together with the other fruit ingredients); and, Section 403 (g) (2), the article labeled "Fruit for Salad" purported to be canned fruit cocktail, and its label failed to bear, as required by the regulations, the name of the fruit specified in the definition and standard of identity for canned fruit cocktail.

DISPOSITION: June 20, 1947. Hunt Foods, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling, under the supervision of the Food and Drug Administration.

DRIED FRUIT

12110. Adulteration of dried peaches. U. S. v. 131 Boxes * * *. (F. D. C. No. 22362. Sample No. 50134–H.)

LIBEL FILED: January 16, 1947, Southern District of Texas.

ALLEGED SHIPMENT: On or about January 10, 1946, from San Jose, Calif.

PRODUCT: 131 boxes, each containing 25 pounds, of dried peaches at Houston, Tex., in possession of Morris Sewall & Co., Inc. The product was stored under insanitary conditions after shipment. The storage room was infested with rats, and rodent pellets were observed on, and in, the boxes of fruit. Examination showed that the article contained rodent pellets and that it was moldy and fermented.

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

DISPOSITION: March 25, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

12111. Adulteration of prunes. U. S. v. 33 Boxes * * *. (F. D. C. No. 22428. Sample No. 35811–H.)

LIBEL FILED: January 21, 1947, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about January 19, 1944, and December 5, 1945, by Guggenhime & Co., from San Jose, Calif.

PRODUCT: 33 25-pound boxes of prunes at St. Louis, Mo.

LABEL, IN PART: "Pansy Brand California Santa Clara Prunes."

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 insects and insect-damaged prunes.

DISPOSITION: February 19, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold to be denatured for use other than human consumption, under the direction of the Federal Security Agency. On March 21, 1947, no purchasers having appeared, the product was ordered destroyed.

12112. Adulteration of prunes. U. S. v. 195 Boxes * * *. (F. D. C. No. 22427. Sample No. 35810–H.)

LIBEL FILED: January 21, 1947, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about February 8, 1944, by Consumer's Food Products, from Morgan Hill, Calif.

PRODUCT: 195 25-pound boxes of pitted prunes at St. Louis, Mo.

LABEL, IN PART: "Hi-Value Medium Pitted Santa Clara Prunes."