

LABEL, IN PART: "Moon Winks Whole Strawberries [or "Loganberries in syrup," "Boysenberries in syrup," or "Black Raspberries in syrup"]," or "Cortley * * * Red Raspberries * * * Distributed by Cortley Frosted Foods, New York."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), water, or water and sugar, had been substituted in part for fruit; and, Section 402 (b) (4), (raspberries, loganberries, and boysenberries) water had been added to the products so as to increase their bulk and weight.

Misbranding, Section 403 (d), (strawberries) the containers of the product were so filled as to be misleading.

DISPOSITION: May 26 and October 11, 1946. The Peoples National Bank of Washington and Frigid Foods, Inc., Fullerton, Calif., claimants, respectively, for the raspberries and strawberries, having consented to the entry of decrees, judgments of condemnation were entered and the products were ordered released under bond. The raspberries were to be used for the manufacture of fountain sirups, and the strawberries were to be relabeled under the supervision of the Food and Drug Administration.

On June 6, 1947, a default decree of condemnation was entered with respect to the remaining products, and they were ordered delivered to charitable institutions.

12546. Misbranding of frozen strawberries. U. S. v. Hosier & Co., Ltd. Plea of nolo contendere. Fine of \$50 on count 1; imposition of sentence suspended on count 2; and defendant placed on 12 months' probation. (F. D. C. No. 20967. Sample Nos. 35524-H, 35525-H.)

INFORMATION FILED: January 8, 1947, Eastern District of Arkansas, against Hosier & Co. Ltd., a partnership, Bald Knob, Ark.

ALLEGED SHIPMENT: On or about May 12 and 14, 1946, from the State of Arkansas into the State of Tennessee.

LABEL, IN PART: "Sliced Strawberries with Sugar * * * Net Weight 12 Oz.," or "Polar Brand Frosted Fresh Sliced Strawberries Sugar Added Net Weight 12 Oz. When Packed Packed for S. A. Moffett Co."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. The label statements "Net Weight 12 Oz." and "Net Weight 12 Oz. When Packed" were inaccurate, since the containers held less than 12 ounces net of the food.

DISPOSITION: August 14, 1947. A plea of nolo contendere having been entered, the defendant was fined \$50 on count 1; imposition of sentence on count 2 was suspended, and the defendant was placed on probation for a period of 12 months.

12547. Misbranding of frozen strawberries. U. S. v. 499 Cartons * * *. (F. D. C. No. 23748. Sample No. 85004-H.)

LIBEL FILED: September 12, 1947, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about July 18, 1947, by the Growers & Packers Cooperative Canning Co., Inc., from North Collins, N. Y.

PRODUCT: 499 cartons, each containing 36 packages, of frozen strawberries at Pittsburgh, Pa. Examination showed that the packages, on an average, were less than 70 percent filled.

LABEL, IN PART: "Gro-Pak Frozen Fresh Sliced Strawberries Net Weight 12 Ounces."

NATURE OF CHARGE: Misbranding, Section 403 (d), the containers of the article were so filled as to be misleading, since 4 ounces additional of sliced strawberries could have been packed in each container.

DISPOSITION: October 21, 1947. The Growers & Packers Cooperative Canning Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for repacking, under the supervision of the Federal Security Agency.

MISCELLANEOUS FRUIT AND FRUIT PRODUCTS*

12548. Action for criminal contempt for violation of terms of decree entered in the case of the U. S. v. 1,322 Cans of Black Raspberry Puree. U. S. v. Telling-Belle Vernon Co. and Producers Service Corp. Pleas of nolo contendere. Fine of \$500 against each defendant. (F. D. C. No. 18933. Sample No. 14464-H.)

*See also Nos. 12401-12406, 12411, 12469, 12599.