

DISPOSITION: May 16, 1949. Default decrees of condemnation. The court ordered that the product be delivered to a charitable institution, for use as animal feed.

MISCELLANEOUS FRUIT AND FRUIT PRODUCTS

14980. Action to enjoin and restrain the interstate shipment of cherry juice. U. S. v. Wesley Orbaker. Consent decree granting injunction. (Inj. No. 200).

COMPLAINT FILED: October 4, 1948, Western District of New York, against Wesley Orbaker, Williamson, N. Y.

NATURE OF CHARGE: The defendant, Wesley Orbaker, had been and was at the time of filing the complaint, introducing and delivering for introduction into interstate commerce at Williamson, N. Y., cherry juice which was adulterated in violation of Section 402 (a) (3), in that it consisted in whole or in part of a filthy, putrid, or decomposed substance, such as decayed fruit material; and, Section 402 (a) (4), in that it had been prepared and held under insanitary conditions whereby it may have become contaminated with filth.

The complaint alleged further that the filthy, putrid, or decomposed substance of which the product consisted in whole or in part, was derived from rotten, decayed, moldy, and wholly or partly fermented cherries, which were pressed by the defendant to obtain cherry juice. The insanitary conditions in which the product had been prepared, arose out of the presence of vinegar flies and other insects in the defendant's plant where the cherry juice was prepared, and in the machinery and equipment used.

PRAYER OF COMPLAINT: That the defendant be perpetually enjoined from commission of the acts complained of, and that a preliminary injunction be granted during the pendency of the action.

DISPOSITION: October 21, 1948. The defendant having consented to the entry of a decree, judgment was entered enjoining the defendant from introducing or delivering, or causing the introduction or delivery of, for introduction into interstate commerce, cherry juice which was in violation of the Federal Food, Drug, and Cosmetic Act.

14981. Adulteration of fig paste. U. S. v. Frederick Ernest Hadley (F. E. Hadley & Sons), and F. Edward Hadley. Pleas of nolo contendere. Frederick Ernest Hadley fined \$500 and F. Edward Hadley fined \$250. (F. D. C. No. 26754. Sample No. 37927-K.)

INFORMATION FILED: April 19, 1949, Southern District of California, against Frederick Ernest Hadley, trading as F. E. Hadley & Sons, Merced, Calif., and F. Edward Hadley.

ALLEGED SHIPMENT: On or about September 10, 1948, from the State of California into the State of Washington.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a decomposed substance by reason of the presence of fermented fig paste.

DISPOSITION: April 25, 1949. Pleas of nolo contendere having been entered, Frederick Ernest Hadley was fined \$500 and F. Edward Hadley was fined \$250.

14982. Adulteration of apple pomace. U. S. v. 737 Bags * * *. (F. D. C. No. 27000. Sample No. 10166-K.)

LABEL FILED: April 12, 1949, District of New Jersey.