

15477. Adulteration of crab meat. U. S. v. 125 Cans * * * (and 3 other seizure actions). (F. D. C. Nos. 27802, 27803, 28092, 28093. Sample Nos. 66818-K to 66821-K, incl.)

LIBELS FILED: August 26 and 29, 1949, District of Columbia and Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about August 24, 1949, by F. H. Ayers & Son, from Portsmouth, Va.

PRODUCT: 205 1-pound cans of crab meat at Washington, D. C., and 2 barrels, each containing 185 1-pound cans, of crab meat at Philadelphia, Pa. Examination showed that the product was contaminated with *E. coli* of fecal origin.

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

DISPOSITION: August 30 and September 14 and 23, 1949 Decrees of condemnation. The court ordered that the Washington lot of the product be delivered to the National Zoological Park for use and not for sale, and that the Philadelphia lot of the product be destroyed.

FRUITS AND VEGETABLES*

CANNED FRUIT

15478. Misbranding of canned apricots. U. S. v. 418 Cases * * *. (F. D. C. No. 23951. Sample No. 18006-K.)

LIBEL FILED: November 5, 1947, Southern District of Indiana.

ALLEGED SHIPMENT: On or about August 27 and 31 and September 5, 1947, by Intermountain Food Co., Inc., from Grand Junction, Colo.

PRODUCT: 418 cases, each containing 24 1-pound, 14-ounce cans, of apricots at Indianapolis, Ind.

LABEL, IN PART: (Portion) "Regal Brand Whole Unpeeled Apricots in Heavy Syrup"; (remainder) "Regal Brand Whole Peeled Apricots in Heavy Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Whole Peeled Apricots" on some of the cans was false and misleading. (The product consisted entirely of whole unpeeled apricots.)

DISPOSITION: December 2, 1947. Regal Stores, Inc., claimant, having admitted the allegations of the libel, judgment of forfeiture was entered and the court ordered that the product be released under bond, to be relabeled under the supervision of the Food and Drug Administration.

15479. Misbranding of canned cherries. U. S. v. 124 Cases * * *. (F. D. C. No. 28296. Sample No. 50534-K.)

LIBEL FILED: November 28, 1949, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about October 24, 1949, by the Eugene Fruit Growers Assn., from Eugene, Oreg.

PRODUCT: 124 cases, each containing 6 cans, of cherries at Philadelphia, Pa.

LABEL, IN PART: (Can) "Thrifty Brand Contents 7 Lb. Pitted Dark Sweet Cherries."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned cherries since it contained an excessive number of pits, and its label failed to bear the substandard legend.

*See also No. 15454.

Further misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. (The cans contained less than the labeled 7 pounds.)

DISPOSITION: December 8, 1949. The Eugene Fruit Growers Assn., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be relabeled, under the supervision of the Food and Drug Administration.

DRIED FRUIT

15480. Adulteration of prunes. U. S. v. Valley View Packing Co., a partnership, and Sam Rubino, Leonard Rubino, and Joseph Rubino, partners. Partnership fined \$750; each individual defendant fined \$5. (F. D. C. No. 27511. Sample Nos. 33850-K, 34081-K, 34149-K, 42041-K, 47570-K.)

INFORMATION FILED: August 24, 1949, Northern District of California, against the Valley View Packing Co., San Jose, Calif., and Sam Rubino, Leonard Rubino, and Joseph Rubino, partners.

ALLEGED SHIPMENT: On or about February 17, 23, and 25, March 16, and April 6, 1949, from the State of California into the States of New York, Indiana, Maryland, and the Territory of Puerto Rico.

LABEL, IN PART: "Valley View [or "Hillsdale"] * * * Brand Packed by Valley View Packing Co.," "Little Elf * * * Bursley & Company, Inc. Distributors," or "Santa Clara Prunes Arnold-Hoover Company San Francisco Cal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of rodent hairs, insects, and insect fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 8, 1949. Pleas of nolo contendere having been entered, the partnership was fined \$750 and each individual defendant was fined \$5.

15481. Adulteration of raisins. U. S. v. 25 Cartons * * *. (F. D. C. No. 27913. Sample No. 61589-K.)

LIBEL FILED: October 12, 1949, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about October 25, 1947, from Fresno, Calif.

PRODUCT: 25 30-pound cartons of raisins at St. Louis, Mo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed raisins. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 10, 1949. Default decree of condemnation and destruction.

FRESH FRUIT

15482. Adulteration of blueberries. U. S. v. 18 Quarts, etc. (F. D. C. No. 27859. Sample No. 47326-K.)

LIBEL FILED: July 27, 1949, Western District of New York.

ALLEGED SHIPMENT: On or about July 25, 1949, by John Slezack, from Dupont, Pa.