

DISPOSITION: May 19, 1950. The Rogue River Packing Corp., 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.

16132. Misbranding of canned pears. U. S. v. 247 Cases * * *. (F. D. C. No. 28815. Sample Nos. 34196-K, 54722-K.)

LIBEL FILED: January 25, 1950, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about October 25, 1949, by the Bercut-Richards Packing Co., from Sacramento, Calif.

PRODUCT: 247 cases, each containing 48 1-pound cans, of pears at New Orleans, La.

LABEL, IN PART: "Sacramento Brand Bartlett Pear Halves In Heavy Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned pears since the pears failed to meet the test for tenderness prescribed in the standard and the label failed to bear a statement that the product fell below the standard.

DISPOSITION: May 4, 1950. The Bercut-Richards Packing Co., 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.

16133. Adulteration of canned black raspberries. U. S. v. 200 Cases * * *. (F. D. C. No. 28861. Sample No. 42625-K.)

LIBEL FILED: March 6, 1950, Northern District of Illinois.

ALLEGED SHIPMENT: On or about August 2, 1949, by Michigan Fruit Cannery, Inc., from South Haven, Mich.

PRODUCT: 200 cases, each containing 6 6-pound, 6-ounce cans, of black raspberries at Chicago, Ill.

LABEL, IN PART: (Can) "Mt. Baker Brand."

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 moldy berries.

DISPOSITION: May 18, 1950. Default decree of condemnation and destruction.

16134. Adulteration of canned black raspberries. U. S. v. 36 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 28418, 28610. Sample Nos. 46357-K, 47778-K.)

LIBELS FILED: On or about December 5, 1949, and January 3, 1950, Southern District of West Virginia and Southern District of Illinois.

ALLEGED SHIPMENT: On or about August 11 and November 22, 1949, by Michigan Fruit Cannery, Inc., Benton Harbor, Mich.

PRODUCT: Black raspberries. 36 cases at Williamson, W. Va., and 118 cases at Galesburg, Ill. Each case contained 24 15-ounce cans.

LABEL, IN PART: "Bonny Lass Brand [or "Dolly Madison Brand"] Michigan Black Raspberries."

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 (Galesburg lot) moldy berries and (Williamson lot) moldy and rotten berries.

DISPOSITION: May 8 and 10, 1950. No claimant having appeared for the Galesburg lot and the sole intervener for the Williamson lot having withdrawn its claim, judgments of condemnation were entered and the court ordered that the Galesburg lot be destroyed and that the Williamson lot be delivered to a Federal institution, for use as livestock feed.

VEGETABLES

16135. Adulteration of black-eyed beans. U. S. v. 34 Bags * * *. (F. D. C. No. 29046. Sample No. 80947-K.)

LIBEL FILED: April 5, 1950, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about October 27, 1949, from San Francisco, Calif.

PRODUCT: 34 100-pound bags of black-eyed beans at Philadelphia, Pa., in possession of Penn Mutual Grocery Co., Inc.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: May 10, 1950. Default decree of condemnation and destruction.

16136. Adulteration of dried lima beans. U. S. v. 302 Bags, etc. (F. D. C. No. 28706. Samples Nos. 48715-K, 48716-K.)

LIBEL FILED: February 3, 1950, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about December 3, 1949, from Modesto, Calif.

PRODUCT: 402 100-pound bags of dried lima beans at Philadelphia, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the product contained an added poisonous or deleterious substance, DDT, which is unsafe within the meaning of the law. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: May 10, 1950. Default decree of condemnation and destruction.

16137. Adulteration of celery. U. S. v. 404 Crates * * *. (F. D. C. No. 28791. Sample No. 42398-K.)

LIBEL FILED: On or about January 27, 1950, Northern District of Illinois.

ALLEGED SHIPMENT: On or about January 8, 1950, from Graves, Calif., by the Garin Co.

PRODUCT: 404 crates of celery at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product was unfit for food by reason of its discoloration, pithiness, and softness, due to freezing.

DISPOSITION: January 31, 1950. No claimant having appeared, the court ordered the marshal to sell the fit portion and destroy the unfit portion, under the supervision of the Food and Drug Administration. The outer frost-damaged stalks were removed, which resulted in the salvage of 217 crates of celery as fit for food.