FRESH FRUIT

16486. Adulteration of apples. U. S. v. 800 Boxes * * *. (F. D. C. No. 29386. Sample No. 13924–K.)

LIBEL FILED: July 6, 1950, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about June 15, 1950, from Yakima, Wash.

PRODUCT: 800 bushel boxes of apples at Philadelphia, Pa.

RESULTS OF INVESTIGATION: This shipment of apples was trapped in a flood in West Virginia, en route, and became contaminated with flood water.

NATURE OF CHARGE: Adulteration, Section 402 (a) (1), the article contained an added deleterious substance, flood water, which may have rendered the article injurious to health.

DISPOSITION: July 26, 1950. Default decree of condemnation and destruction.

VEGETABLES AND VEGETABLE PRODUCTS

16487. Misbranding of canned black-eyed peas. U. S. v. 267 Cases, etc. (F. D. C. No. 29333. Sample Nos. 67637–K, 75007–K.)

LIBEL FILED: June 1, 1950, District of Colorado.

ALLEGED SHIPMENT: On or about February 28 and March 20, 1950, by the Arizona Canning Co., from Phoenix, Ariz.

PRODUCT: 414 cases, each containing 24 1-pound, 4-ounce cans, of black-eyed peas at Denver, Colo.

LABEL, IN PART: (Can) "Sun Vista Brand [or "Silver Band"] Black Eyed Peas."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for canned black-eyed peas since the definition and standard provides that the vegetable ingredient of canned black-eyed peas is the succulent vegetable, whereas the vegetable ingredient of the article was dried black-eyed peas.

DISPOSITION: August 2, 1950. The Arizona Canning 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 for the purpose of altering the labels to display the word "dry" in equal prominence with the word "black-eyed peas," under the supervision of the Federal Security Agency.

16488. Adulteration of frozen spinach and frozen asparagus. U. S. v. 91 Cases, etc. (F. D. C. No. 29290. Sample Nos. 77341–K, 77342–K.)

LIBEL FILED: June 28, 1950, Southern District of Illinois.

ALLEGED SHIPMENT: On or about July 20 and September 17, 1946, from Seattle, Wash.

PRODUCT: 91 cases, each containing 12 3-pound packages, of frozen spinach, and 14 cases, each containing 36 12-ounce packages, of frozen asparagus at Springfield, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles were unfit for food by reason of their very objectionable odor and taste. The articles became adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: July 20, 1950. Default decree of condemnation and destruction.